

JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION
OF 1973

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 1, 1973



Vol. 3

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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To facilitate research in the Senate Journal, the following information is included at the end for your convenience:

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**JOURNAL
OF THE
SENATE
OF THE
STATE OF ALABAMA
REGULAR SESSION OF 1973**

**THIRTY-FOURTH LEGISLATIVE DAY
THURSDAY, AUGUST 30, 1973**

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Honorable George Lewis Bailes, Jr., 12th Senatorial District.

ROLL CALL

Present:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Harris	Malone	Vacca
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder
Dozier	Jones	O'Bannon	Wilson

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JOURNAL

On motion of Mr. Bailes, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

**REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL**

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-Third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Thirty-Third Legislative Day was approved by the Senate.

COMMUNICATION FROM THE DEPARTMENT OF EDUCATION

August 29, 1973

Lieutenant Governor Jere L. Beasley
President of the Alabama Senate
Room 201, State Capitol
Montgomery, Alabama 36104

Dear Governor Beasley:

In accordance with Article 14, Section 264 of the Alabama Constitution, I hereby certify the appointment of Mr. Yetta G. Samford to the Board of Trustees of the University of Alabama to represent the Third Congressional District. Mr. Samford's appointment was made subsequent to the last regular session of the Alabama Legislature.

Action by the Senate in confirming this appointment is respectfully requested.

Sincerely yours,

LeROY BROWN,
State Superintendent of Education.

The foregoing Communication from the Department of Education was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 803. Proposing an amendment to the Constitution of Alabama authorizing the levy and collection of a special property tax and the issuance and sale of bonds by Tuscaloosa County, the proceeds of which shall be used for the development of parks and multi-recreation areas, and other recreational purposes.

Also:

S. 704. Relating to DeKalb County; fixing the salaries of Judge of Probate Court, Circuit Clerk, Tax Assessor, Tax Collector and Judge of Inferior Court, and to provide payment of such salaries; and providing for a referendum thereon.

Also:

S. 816. Applicable to Conecuh County; to provide that no claim presented to the Conecuh County Commission need be sworn to and that no testimony need be presented as to whether any part of such claim having been previously paid.

Also:

S. 822. Relating to all counties having populations of not less than 16,350 nor more than 16,650, providing an allowance for secretarial assistance for the register in equity under certain conditions.

Also:

S. 76. To amend Code of Alabama 1940, Title 51, Sections 879 and 882, so as to withdraw and take away from the director of revenue of Jefferson County all duties, liabilities and responsibilities relative to the issuance, recording and reporting of marriage licenses, and to place such duties, liabilities and responsibilities on the probate judge of such county; and to provide for the transfer of marriage license records from the director of revenue of Jefferson County to the probate judge of such county.

Also:

S. 830. To amend Act No. 61, S. 151, Regular Session 1971 (Acts 1971, p. 324), which act creates the Etowah County Solid Waste and Park and Recreation Authority, so as to remove the state senator from Etowah County from membership of such Authority at the end of current term of office of said senator.

Also:

S. 804. To require the county commission or like governing body of Tuscaloosa County to call an election to determine the sentiment of the voters of the county: (1) relative to levying additional ad valorem tax for developing parks and multi-recreation areas or facilities, as authorized by the amendment to the Constitution of 1901 proposed by an Act of the 1973 Regular Session, and (2) relative to the incurring of a debt and the issuance of bonds as authorized in such amendment.

Also:

S. 809. To amend Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled: "An Act to alter or re-arrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying within the lands hereinafter described," so as to correct certain discrepancies in the description of the boundary lines.

Also:

S. 810. To amend Section 8 of Act No. 1286, H. 1694, Regular Session 1971, approved September 17, 1971, which Act established a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000, by increasing the maximum annual compensation allowed to secretarial, stenographic and clerical assistants and providing for the positions of Investigators for the Public Defender Office and setting the maximum annual compensation therefor.

Also:

S. 812. Relating to Tuscaloosa County; to increase the number of appointed members of the Tuscaloosa City Board of Education from five to seven.

Also:

S. 694. To empower industrial development boards organized (under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended) in any municipality located (in whole or in part) in any county having a population of 600,000 or more, according to the last or any subsequent Federal decennial census, to acquire (by construction or otherwise), enlarge, improve, replace, own, lease, dispose of and grant options for the purchase of facilities and properties (whether real or personal or both) designed or

suitable for use both as data processing and computer centers and as national or regional headquarters for the business or businesses owning or operating such data processing centers.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Fite:

H. 1865. To make a conditional appropriation for the establishment and operation of a Southern Products Merchandising Mart.

Also:

By Messrs. Grainger, King, Lutz, Hearn and Hale:

H. 2163. Appropriating \$125,000 per year for the next two years for the Institute for Occupational Health and Safety at Huntsville for operation and maintenance of such institution.

Also:

By Mr. Stubbs:

H. 1480. To authorize cooperation among and between counties, municipalities, other governmental subdivisions and agencies, public corporations, the state, and the federal government on a basis of mutual advantage in order better to provide services and facilities to fill the needs of the inhabitants thereof and promote the full development of areas.

Also:

By Mr. Collins:

H. 916. To amend Title 51, Section 616, Code of Alabama 1940, providing for payment of a license fee by warehousemen, so as to eliminate the provision that a warehouseman-distributing agent pay an additional license fee.

Also:

By Mr. Gafford:

H. 946. To amend further Section 2, Act No. 100, Second Special Session 1959, the State Sales Tax Act, so as to provide that where any used part of an automotive vehicle or a truck trailer, semitrailer or a house trailer is taken in trade as a credit or part payment on the sale of a new or rebuilt part, the sales tax shall be paid on the net difference, and to provide that this provision shall not be construed to include tires and batteries.

Also:

By Messrs. St. John, Carnes, Lutz and Doss:

H. 903. To regulate further the recording and indexing of instruments relative to land titles in counties having populations not in excess

of 300,000 according to the last or any subsequent decennial federal census; to provide for a system of self-indexing of all lands transfer instruments recorded in probate offices; and to prescribe fees.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 1865, 2163, 946 and 903. To the Committee on Finance and Taxation.

H. B. 1480. To the Committee on County Government.

H. B. 916. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Gray (F):

H. 2074. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 2074. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 2. To amend Section 366 of the Title 52 of the Code of Alabama as amended which relates to the Teachers' Retirement System of Alabama.

Also:

H. 120. To amend Section 367 of Title 52 of the Code of Alabama of 1940 as amended to provide for addition of 3 additional members of the Teachers' Retirement System to the Board of Control of the Teachers' Retirement System and one member of the Alabama Retired Teachers'

Association to the Board of Control of the Teachers' Retirement System and to provide other personnel as deemed necessary by the Board of Control.

Also:

H. 1109. To amend further Code of Alabama 1940, Title 51, Section 350, as amended, by Act No. 74, Acts of Alabama 1955, Vol. I, p. 191 at p. 192; and as further amended by Act No. 103, Acts of Alabama 1971, Vol. I, pp 184-186, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 1110. To amend further Act No. 92, Special Session, 1963, Acts of Alabama 1963, Vol. I, p. 257 at p. 258, as amended, by Act No. 135, Acts of Alabama 1964, pp 199-200, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization of the use of funds.

Also:

H. 1112. To amend Act No. 100, Section 32, Second Special Session, 1959, Acts of Alabama 1959, Vol. I, p. 298 at pp 314-315, the Alabama Sales Tax Law, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 1113. To amend Act No. 78, Second Special Session, 1955, Acts of Alabama 1955, Vol. I, p. 199, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 1108. To amend further Code of Alabama 1940, Title 51, Section 741, as amended by Act No. 73, Section 2, Acts of Alabama 1955, Vol. I, p. 188 at pp 190-191, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 1111. To further amend Section 5 of Act No. 298, Regular Session, 1947, General Acts of Alabama 1947, p. 149, as amended, by Act No. 589, Acts of Alabama 1963, Vol. II, pp 1285-1287; as further amended by Act No. 766, Acts of Alabama 1965, Vol. II, p. 1378, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. O'Daniel:

H. 2249. Relating to counties having a population of not less than 30,000 nor more than 33,575 inhabitants according to the most recent federal decennial census; to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 2249. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 1189. To amend Section 4, Act No. 571, Acts of Alabama 1967, page 1324, approved September 8, 1967, to further provide for the compensation of the Assistant or Associate Judge of Probate in counties having 600,000 or more population.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Messrs. Gafford, Meeks and Doss.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1189, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham
Bailes	Fine	Littleton	Pierce
Branyon	Gilmore	Lybrand	Vacca
Carr	Harris	Malone	Weaver
Cook	Hawkins	Noonan	Wilder
Dominick	Jones	Owen	Wilson
Dozier	King		

—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Gilmore, Bailes and Dominick.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Dill:

H. 1795. To amend the Title and Sections 3, 10, 11, 14 and 16 of Act No. 2079 adopted at the 1971 Regular Session of the Legislature of Alabama, pertaining to municipal parking authorities incorporated in cities having a population of 300,000 or more according to the last or any subsequent federal census, which sections relate to the definitions set forth in said act, the powers of such authorities, the operation or leasing

of parking facilities by such authorities, the bonds of such authorities and security therefor, so as to clarify and grant additional powers regarding the issuance of bonds, the security therefor, the leasing and sale of such facilities and other matters and to provide that any such authority now or hereafter incorporated shall have all rights, powers and privileges granted in said act as amended, notwithstanding subsequent changes in the population of the city authorizing its incorporation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 1795. To the Committee on Local Legislation No. 2.

ADOPTION OF RESOLUTIONS

The Resolutions:

H. J. R. 179. EXPRESSING THE REGRET OF THE LEGISLATURE UPON THE DEATH OF BRYCE C. DAVIS.

Also:

H. J. R. 183. COMMENDING COLBERT COUNTY HIGH SCHOOL ON ITS OUTSTANDING SPORTS RECORD.

Also:

H. J. R. 192. MOURNING THE DEATH OF MERVYN HAYDEN STERNE.

Also:

H. J. R. 194. COMMENDING E. L. STEWART.

Also:

H. J. R. 197. MOURNING THE DEATH OF THOMAS W. BRADFORD.

Also:

H. J. R. 202. GIVING TRIBUTE TO THE LIFE OF JAMES EDWIN HORTON, JR.

Also:

H. J. R. 203. THANKING THOSE RESPONSIBLE FOR THE PORK PRODUCERS' BARBECUE.

Also:

H. J. R. 204. MOURNING THE DEATH OF MILLIGAN EARNEST.

Also:

H. J. R. 205. COMMENDING DR. BURIS R. BOSHELL.

Also:

H. J. R. 206. COMMENDING THE HONORABLE HARTWELL B. LUTZ OF MADISON COUNTY.

Also:

H. J. R. 214. COMMENDING COLBERT COUNTY HIGH SCHOOL ON ITS OUTSTANDING SPORTS RECORD.

Also:

H. J. R. 212. WISHING MRS. ALICE J. DUCK "BEST WISHES" DURING HER RETIREMENT YEARS.

Also:

H. J. R. 213. COMMENDING JOHN RUSSELL PARRISH.

Also:

H. J. R. 215. HONORING COMPANY C, FIRST BATTALION, 20TH SPECIAL FORCES GROUP (AIRBORNE) OF THE FIRST SPECIAL FORCES.

Also:

H. J. R. 216. DESIGNATING MR. BOB CAIN AND THE CANE-BREAKERS AS THE OFFICIAL BAND OF THE 1973 ALABAMA LEGISLATURE.

Also:

H. J. R. 217. COMMENDING THOMAS HAROLD ESPY FOR HIS WORK WITH THE STATE HIGHWAY DEPARTMENT.

Also:

H. J. R. 225. COMMENDING WILLIAM B. COOPER OF ROSINTON FOR HIS DILIGENT AND DEDICATED SERVICE TO THE PEOPLE OF BALDWIN COUNTY.

Also:

H. J. R. 226. MOURNING DEATH OF GEORGE HAMMERLY COPELAND.

Also:

H. J. R. 227. EXPRESSING THE REGRET OF THE LEGISLATURE UPON THE DEATH OF MR. R. C. WILLIAMS.

Also:

H. J. R. 231. COMMENDING JOHN SCOTT OF THE CAPITOL SECURITY FORCE FOR HIS EXCELLENT ATTITUDE IN THE PERFORMANCE OF HIS DUTIES.

Also:

H. J. R. 241. MOURNING THE DEATH OF MRS. IRENE WELCH OF MONTGOMERY.

Also:

S. J. R. 109. COMMENDING CERTIFIED NURSE ANESTHETISTS.

Also:

S. J. R. 110. DESIGNATING THE DENTAL CLINIC AT THE JAMES H. FAULKNER STATE JUNIOR COLLEGE IN BAY MINETTE "THE HAROLD B. PEARSON DENTAL CLINIC".

Also:

S. J. R. 112. RENAMING "CLIFF HARE STADIUM" AT AUBURN UNIVERSITY "JORDAN-HARE STADIUM".

were again read and, on motion of Mr. Bailes, were adopted by the Senate.

REPORTS OF COMMITTEES

Mr. Horne, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Manley:

H. 992. To provide for the participation by state institutions of higher learning with private institutions of higher learning in a consortium product contract as a source or purchasing: to provide and effective date for this Act.

Mr. Malone, Chairman of the Standing Committee on Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Ellis, Turnham and Bank:

H. 426. To declare the need for training emergency medical technicians; to authorize the state health department to contract with the state department of education to provide such training courses through existing vocational or technical schools and junior colleges; and to appropriate funds therefor.

Mr. Noonan, Chairman of the Standing Committee on Seaports, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Downing and Lyons:

H. 1613. To amend Act No. 2432, Regular Session, 1971 (Acts 1971 p. 3891) providing for the creation, incorporation, and operation of the Marine Environmental Sciences Consortium by designating it as a state agency and providing for a Board of Directors with full power and authority for its management; and to grant to state educational institutions and state, county, and municipal agencies authority to make contributions for its support.

Mr. Owen, Chairman of the Standing Committee on Conservation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cauthen:

H. 971. To amend Section 2 of Act No. 350, Regular Session 1945 (Acts 1945, p. 565), authorizing the governing body of any county or certain municipalities to create a recreation board, so as to authorize the governing body of any such county or municipality, within the discretion of any such governing body, to increase the members of such recreation boards from five to not less than five nor more than seven.

By Mr. Cross:

H. 1143. To further amend Act No. 685, S. 364, Regular Session 1965, (Acts 1965, p. 1246), so as to further define the procedure concerning the organization of Water Management Districts.

Mr. Owen, Chairman of the Standing Committee on Conservation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs Hardin and Bassett (With Amendment):

H. 1549. To further amend Act No. 168, H. 270, Special Session 1966 (Acts 1966, p. 190), as amended, relating to the Alabama Historical Commission by increasing the Commission membership.

Mr. Horne, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Grainger:

H. 1406. To permit local governmental units and boards of education and school superintendents to cooperate in order to establish and operate joint educational facilities and services, and to regulate contracts relative thereto.

Mr. Branyon, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith (P):

H. 1502. To amend Sections 195 and 199 of Title 2, Code of Alabama of 1940, which relate to the testing of milk or cream for butterfat content or quantity and the testing methods, equipment, devices and containers used for such testing.

By Messrs. Smith (P) and Mims:

H. 1887. To amend Section 10, Act No. 227, H. 2, Regular Session 1971 (Act 1971, p. 523), which Act authorizes and provides for the promotion of production, distribution, marketing, use, improvement and sale of soybeans.

Mr. Lindsey, Chairman of the Standing Committee on Military, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

H. 1815. To further amend Act No. 173, H. 311, Regular Session 1945, (Acts 1945, p. 304), so as to add a representative from AMVETS to the State Board of Veterans Affairs.

Mr. Lindsey, Chairman of the Standing Committee on Military, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report,

with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. McCorquodale, et al (With Amendment):

H. 1677. To amend Section 29, Title 11, Code of Alabama, 1940, relating to the fees of probate judges.

Mr. Lindsey, Chairman of the Standing Committee on Military, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Bank, et al:

H. 1331. To amend further Code of Alabama 1940, Title 35, Section 12, which relates to military leave for government employees in order to extend payment for military furlough benefits to all employees and to provide for the mandatory reemployment of government employees who are called to active service either by the Alabama National Guard or the armed forces of the United States.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Collins:

H. 107. To replace the "Alabama Apartment Ownership Act" with a new statute establishing and regulating CONDOMINIUM developments, as regards definitions; the nature, ownership and rights to possession of condominium units, common elements and limited common elements; the establishment of condominium property and the contents and recordation of declarations and bylaws and the amendment thereof, deeds, mortgages and other instruments relating to units; the administration and management of condominiums; liability, civil actions and service of process by and against the condominium and its unit owners; the ascertainment and charging of expenses for common elements and limited common elements to unit owners; the assessment of taxes and other public charges to unit owners; liens for labor and materials for work on condominium property and individual units; the mortgaging of condominium property and individual units; the termination of the condominium form of ownership; statutory construction; severability of the statute and repeal of the present Alabama Apartment Ownership Act, Act No. 206, H. 81, First Special Session (Acts 1964, p. 266).

By Mr. Hobbie, et al:

H. 491. To make it a felony to use any firearm or knife to commit any crime under the laws of this state; to prescribe the punishment therefor; and to provide that such crime and punishment is in addition to the crime committed by the use of any firearm or knife and the punishment prescribed for such crime.

By Mr. Hobbie, et al:

H. 1255. Relating to law enforcement officers; requiring any unit or agency of state, county or municipal government which employs any duly authorized law enforcement officer to reimburse such officer who is sued or prosecuted for any act committed or done within the line and scope of his duties, for legal counsel fees, witness fees and court costs paid in defense of such suit or prosecution; authorizing the attorney

general to prescribe the method of determining whether the act in question was committed in line of duty; and to repeal conflicting laws.

By Mr. Turnham, et al:

H. 1182. To direct the State Department of Education to establish public kindergarten pilot programs in each of the congressional districts from which State Board of Education members are elected of the state.

Mr. Malone, Chairman of the Standing Committee on Health, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McCluskey:

H. 508. To amend Section 32 of Act 100, H. 94, Acts of Alabama 1959, Volume 1, page 298, so as to change the phrase "old age assistance exclusively" to "general welfare purposes," and to distribute from the sales tax a sufficient sum for the counties to pay the cost of administering the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto.

By Mr. Dill, et al:

H. 777. To amend Section 2 of Act Number 106 of the 1959 Regular Session of the Legislature of the State of Alabama.

By Messrs. Dill, Falkenburg, Doss, Erdreich and Boutwell:

H. 778. To amend Section 12 of Act No. 107 adopted at the 1959 Regular Session of the Legislature of the State of Alabama so as to exempt from the criminal penalties provided therein the work performed under certain conditions by fellows, residents, interns or medical students who are employed by, or who are taking courses of instruction or training at, any facility of The University of Alabama School of Medicine or any other medical school, hospital or institution in a program supervised by the faculty of said School of Medicine.

By Mr. Dill, et al:

H. 779. To amend Section 3 of Act Number 109 of the 1959 Regular Session of the Legislature of the State of Alabama amending Section 262 of Title 46 of the Code of Alabama 1940 (Recomp 1958).

By Messrs. Casey, Bank and Lyons:

H. 1202. Relating to mental health, enacting the Interstate Compact on mental health; providing for the interstate movement of patients; defining terms; providing for the treatment of or transfer of patients between states, regardless of residence, if such transfer would be beneficial to the patient; describing the obligation of the sending and receiving states; providing that the state is not obligated to accept a patient from another state unless agreed to in advance; providing for the payment of costs of transfer; providing for aftercare or supervision; prescribing a procedure to handle the escape of dangerous patients; providing for the transfer of any patient through states; providing for the continuation of legal guardianship responsibilities and allowing the appointment of supplemental or substitute guardians; providing that this Act does not apply to any person institutionalized while under sentence in a penal or correctional institution or while subject to trial on a criminal charge; providing for a compact administrator; providing for supplemental agreement; prescribing a method for withdrawal from the compact.

By Mr. Callahan:

H. 1220. Relating to crimes and criminals; providing for the regulation of abortion and the criteria for determining when it is legal and illegal; providing punishment for illegal abortion; providing for the filing and keeping of records required by this act; providing that participation in performing or effecting an abortion is not mandatory; providing for punishment for violation of the provisions hereof; providing for the care of infants born live following an abortion attempt; repealing Section 9, Title 14, Code of Alabama 1940.

By Messrs. Bailes and Hughes:

H. 1878. To amend Sections 279, 280, 282, 283, 284, 285, 288 and 289 of Title 62 of the Code of Alabama 1940.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Adwell:

H. 158. To regulate further the powers and authority of municipalities in counties having populations of 500,000 or more relative to the levy, imposition, assessment or collection of licenses, excises, taxes or other fees on the possession, sale, distribution and use of malt or brewed beverages or of tobacco products within their police jurisdiction, but outside their corporate limits.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Adwell (With Amendment):

H. 159. To amend further Code of Alabama 1940, Title 37, Section 733, as amended, which grants cities and towns within the state the authority to fix and collect licenses for any businesses, trade or profession done within the police jurisdiction but outside their corporate limits, so as to withdraw such power from cities and towns within counties having populations of more than 500,000 and vest in such cities and towns in lieu thereof the power to fix and collect, by contract, reasonable fees for each particular governmental service rendered to a business, trade or profession located within such area.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. Boutwell, et al (With Amendment) (with notice and proof):

H. 780. To establish an Inferior Court in Precincts 1 and 2 in Jefferson County, Alabama, in lieu of all Justices of the Peace in Precincts and in lieu of all other Inferior Courts created in lieu of Justices of the Peace heretofore created in said territory, said Court to be called the Bessemer County Court. To define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judge, Clerk, and other officers of said Court; to fix the terms or tenure of office of the officers of said Court and provide for

their salaries and compensation and the method of payment of same; to provide the procedure in said Court and to fix the methods of service of all processes therefrom, to designate the officials to serve processes issued by said Court and provide compensation therefor; to designate the officers of said Court, and define their duties and the duties of other officials with respect to said Court; and to otherwise provide for said Court.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Doss, et al (With Amendment):

H. 998. To authorize, provide for, and regulate the introduction in evidence in any court in the state, when the original thereof would be admissible, of certified copies of certain hospital records of any hospital located in Alabama counties of more than 600,000 population, according to the last or any subsequent Federal census, organized or operated under or pursuant to the laws of Alabama, as to and concerning a patient in said hospital; to prescribe the form of the certificate to be used for certifying copies of such records, the procedure for obtaining and handling such records, the manner of copying such records, the cost and charges therefor and the manner of payment thereof and the probate value of such records.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Erdreich, Dill and Falkenburg:

H. 1568. To authorize the Alabama Alcoholic Beverage Control Board in its discretion to grant to any civic center authority to which a liquor license is issued under the provisions of Act No. 409 of the 1971 Regular Session of the Alabama Legislature a permit to sell or dispense in any part of its civic center for consumption therein draft or keg beer or malt beverages; and to repeal all laws or parts of laws which conflict with the provisions of this Act.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Mr. McBride, et al (With Amendments):

H. 1825. To provide additional methods of annexing territory to any city of the State having a population of 300,000 or more inhabitants according to the last or any subsequent federal census.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. McNair, et al:

H. 1827. To authorize any county in Alabama having a population of 600,000 or more according to the most recent federal decennial census

and any incorporated municipality situated therein to cooperate with other governmental subdivisions, public agencies, public corporations and authorities in the construction of new residential water mains and service piping from the main to the water meter of an approved public water supply system and the extension of presently existing approved public water supply system mains and service piping from the main to the water meter to all areas of such county not presently served by an approved public water supply system; to authorize the costs of construction and installation of said mains and service piping from the main to the water meter together with the costs of any improvements made thereon, or any portion of said costs, to be assessed against the property abutting on the streets, avenues, alleys, highways, or other public places so improved or served by said mains or service piping from the main to the water meter to the extent of the increase in value of such property by reason of the special benefits derived from such mains or service piping from the main to the water meter and from their construction, extension or improvement by the county or incorporated municipality; and, as other means of financing such construction, extension, or improvement, to authorize the issuance of revenue bonds and the payment of monies out of general and special funds of such county or municipality and out of funds received from the State of Alabama and from the United States Government; and to provide low cost loans to affected property owners.

By Messrs. Waggoner, Bowers and Meeks:

H. 2097. To authorize the City of Vestavia Hills, Alabama to pay Roland L. Paulin for certain expenses as a result of an injury to his son, Mark Paulin.

By Mr. Doss, et al:

H. 2142. To submit to the qualified electors of Alabama an amendment to the Constitution of said State providing that the Board of Health of Jefferson County, Alabama shall have the power to supplement the pension or benefit payable from, or out of, a pension system of which the Board of Health officers or employees are members, provided that such supplement is based upon an increase in the cost of living occurring since establishment of the rate or amount of such pension, or benefit; and provided, further, that such power shall be subject to such limitations and restrictions as the Legislature may impose from time to time.

(The above Bill, H. B. 2142, was read a second time at length as required by the Constitution.)

By Mr. Ellis, et al:

H. 2147. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 300,000 according to the most recent federal decennial census.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Timmons (With Amendment):

H. 2155. To further amend Title 14, Section 245, Code of Alabama 1940, which prohibits minors from playing pool in poolrooms.

Mr. Vacca, Chairman of the Standing Committee on Local Legisla-

tion No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Doss, et al (with notice and proof):

H. 2246. To amend Section 2 and to further amend Sections 6 and 7 of Act No. 470 of the Regular Session of the Legislature of Alabama of 1955, approved September 9, 1955 entitled "An Act to provide a separate retirement and relief system for certain of the presently active employees of the City of Birmingham who entered the service of the police department of said city prior to September 19, 1939, and to whom is applicable the pension and relief system provided by Act No. 502 of the Regular Session of the Legislature of 1923, as reenacted and amended: to include in said separate system dependents of said presently active employees: and to render said Act No. 502 inapplicable to said certain presently active employees and their dependants".

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Doss, et al (with notice and proof) (With Amendment):

H. 2247. To amend Section 2, and to further amend Section 6 and 7 of Act No. 217 of the 1966 Special Session of the Legislature of Alabama approved August 30, 1966 (Act of Alabama, 1966, Special Session Page 280 et seq.) Entitled "An Act To Provide A Separate Retirement And Relief System For Certain Of The Presently Active Employees Of The City Of Birmingham Who Entered The Service Of The Fire Department Of Said City Prior To September 19, 1939, And To Whom Is Applicable The Pension And Relief System Provided By Act No. 307 Of The 1943 Regular Session Of The Legislature Of Alabama, As Amended, And Act Number 22 Of The Second Special Session Of The Legislature Of Alabama Of 1956, To Include In Said Separate System Dependents Of Said Presently Active Employees; And To Render Said Act No. 307 And Act Number 22 Inapplicable To Said Certain Presently Active Employees And Their Dependents."

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Erdreich and Doss:

H. 2259. To amend the Title and Sections 3, 10, 11, 14 and 16 of Act No. 2079 adopted at the 1971 Regular Session of the Legislature of Alabama, pertaining to municipal parking authorities incorporated in cities having a population of 300,000 or more according to the last or any subsequent federal census, which sections relate to the definitions set forth in said act, the powers of such authorities, the operation or leasing of parking facilities by such authorities, the bonds of such authorities and security therefor, so as to clarify and grant additional powers regarding the issuance of bonds, the security therefor, the leasing and sale of such facilities and other matters and to provide that any such authority now or hereafter incorporated shall have all rights, powers and privileges granted in said act as amended, notwithstanding subsequent changes in the population of the city authorizing its incorporation.

Mr. Shelby, Chairman of the Standing Committee on Business and Labor, reported that said Committee, in Session, had acted on the follow-

ing bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Ellis, et al:

H. 834. To allow officers of the International Association of Fire-fighters and Fraternal Order of Police time off with pay to attend scheduled meetings of these organizations.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Hobbie, Collins, Bank, Jones (F) and Turnham:

H. 300. To further amend Section 1 of Act No. 515 of the 1945 Regular Session of the Alabama Legislature (Title 55, Section 456, Code of Alabama 1940, Recompiled 1958), as amended, which relates to the definitions under the State employees' retirement to provide that "average final compensation" for such employees be computed on the basis of the best three years of the last ten years of creditable service.

By Mr. Wallace, et al:

H. 448. To amend the title and Sections 1 and 3 of Act No. 2307, S. 250, of the Regular Session of 1971 (Acts of 1971, p. 3728), which provides for covering certain employees of public school systems in the Teachers' Retirement System so as to include persons employed by such public school systems as custodians and janitors among the employees who may be covered by the Teachers' Retirement System.

By Mr. Hobbie, et al:

H. 488. To require the granting of either compensatory leave or overtime pay to all State, county and municipal law enforcement officers.

By Mr. McCluskey, et al:

H. 793. To amend Section 12, of Title 48, of the Code of Alabama, 1940, as amended, which fixes the compensation of the president and the associate members of the Alabama Public Service Commission.

By Mr. Taylor:

H. 1156. To amend further Act No. 999, H. 288, Regular Session 1969, (Acts 1969, p. 1855), as amended, which Act established a retirement system for peace officers, in order to redefine certain words and terms in said Act.

By Mrs. Wynot:

H. 119. To provide for the retirement of teachers who are members of the Teachers' Retirement System of Alabama who have 30 years creditable service regardless of age and to modify all laws or parts of law in conflict with the provisions of this Act.

By Messrs. St. John and Stokes:

H. 1458. This bill will allow Circuit Judges on a statewide basis to appoint a temporary special court reporter when in his opinion such appointment is justified thereby allowing the official reporter time out of Court to keep his appeal case work current and not, as now, limited

to sickness or other cause when the official court reporter cannot fulfill his or her function in court.

By Messrs. Boutwell and McCorquodale:

H. 2029. To further identify creditable years of service under the State Employees' Retirement System.

By Mr. Ellis:

H. 11. To provide that any county governing body and sheriff's department in such county shall be empowered and authorized to enter into an agreement or contract with the State Department of Public Safety to establish and maintain a helicopter ambulance service in certain participating counties; and to authorize the expenditure of public funds for the establishment and maintenance of said service.

By Mr. Hobbie, et al:

H. 939. To provide for a guaranteed minimum starting wage or salary for all state, county, municipal, or political subdivision law enforcement officers of this state and provide for the enforcement of the provisions of this act.

By Mr. Cauthen:

H. 1464. To further amend Section 3 of Act No. 443, approved August 28, 1953, entitled "An act to provide law clerks to be appointed by the chief justice and the associate justices of the supreme court, to prescribe their duties and fix their compensation," (General Acts of Alabama, Reg. Sess., 1953, p. 549), as amended by Act 594, General Acts of Alabama, 1959, p. 1483, and by Act No. 44, General Acts of Alabama 1965, Spec. Sess., p. 64, and by Act No. 323, General Acts of Alabama 1969, Reg. Sess., p. 693, and by Act No. 117, General Acts of Alabama 1971, Third Spec. Sess., p. 4342, and to appropriate the funds for carrying out the provisions of this act.

By Mr. Stokes:

H. 256. To provide that a school teacher or public employee employed by a public school system, the State Board of Education, the State Department of Education, State Senior Colleges and Universities, State Junior Colleges, State Vocational Technical Schools, the Alabama Commission of Higher Education and the Alabama Education Study Commission or any other State educational institution or agency, shall continue to draw his full salary for a certain period when incapacitated as a direct result of an on the job injury; to provide that payment of such benefits shall not exhaust his accumulated sick leave and to authorize standards for carrying out the provisions of this Act.

By Mr. Lutz:

H. 226. To amend Title 52, Section 361, Code of Alabama 1940, as amended by adding new subsection nine (9) and renumbering existing subsections, to provide that a teacher may appeal to the State Tenure Commission in any instance when such teacher has been denied a formal hearing as required by Title 52, Sections 356 and 359, Code of Alabama 1940, as amended.

By Mr. Stokes:

H. 1191. To authorize the governing bodies of the several counties of Alabama to pay all expenses incurred by the Circuit Court Clerks and Registers or other like official by membership in their State organization.

By Mr. Lang, et al:

H. 1185. To amend Sections 3 and 4 of Act No. 566, S. 117, p. 1046, Volume II, Acts of Alabama, Regular Session of the Legislature 1969, effective 2/1/70, the title of which act is, "To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State of Alabama having a population of less than 600,000 population according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries," by increasing the minimum and maximum salary allowed for such Supernumerary officials and providing for repayment of the amount of salary paid into the general fund of the county by such Clerks and Registers if their tenure of office is terminated prior to their becoming supernumerary.

By Mr. Cauthen:

H. 1465. To amend Sections 1, 2 and 4, Act No. 1593, S. 28, Regular Session 1971, relating to the duties, functions and personnel of the Department of Court Management and to provide or assist in providing continuing legal and judicial education to judges and court-affiliated personnel; and to add thereto additional sections pertaining to coordination of the administration of justice with other units of the judicial system or other units of government.

By Messrs. Crawford, Lyons and Connell:

H. 832. To amend Sections 1 and 5 of Act No. 21, H. 28, as amended, enacted at the 1969 Special Session of the Legislature of Alabama, relating to raising revenue and levying a tax against certain persons and utilities and prescribing rates and exclusions therefrom, and providing for collecting such tax and enforcing payment thereof, and providing for the disposition of the proceeds from said tax; to delete the phrase "other than by a municipality or other municipal entity organized by a utility" in Section 1, and to add new Sections (h) and (i) to Section 5 of Act 21.

By Messrs. Lyons, McCorquodale and Owens:

H. 263. To amend Section 2 of Act No. 160, H. 59, Third Special Session 1971 (Acts 1971, p. 4404), entitled "An Act To provide the manner and method by which Statewide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama," so as to add a proviso that the Department of Revenue shall not have any authority or power to establish any rule, regulation, criteria or standard that shall require or allow any appraisal of real property to include the inside inspection of any human residence in this state.

By Mr. St. John:

H. 1280. To amend Title 13, Section 262 and Section 263, Code of Alabama, 1940, as recompiled 1958, by deleting therefrom that portion relating to transcript fees of court reporters.

By Mr. McMillan, et al:

H. 1590. To amend Section 2 of Act No. 474, H. 202, of the 1961 Regular Session of the Legislature of Alabama entitled "An Act providing for the relocation of utility facilities when necessitated by federal-aid highway system projects; providing for the payment of the costs of such relocations by the State as highway construction costs upon

federal participation and federal funds being actually collected by the State; prescribing the authority of the State Highway Director in regard thereto; providing for the method of paying or reimbursing said utilities; and repealing all conflicting laws."

By Mr. Collins:

H. 943. To reenact, expand, and change the Unfair Cigarette Sales Act of 1951; to define and prohibit the unfair sales of cigarettes; to provide remedies and set forth penalties for violation; to repeal Act No. 805, S. 385, Regular Session 1951 (Acts 1951, p. 1402), and all other laws in conflict thereof.

Mr. Cook, Chairman of the Standing Committee on Public Buildings and Grounds reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turnham:

H. 2105. To name the bridge on Alabama Highway 10 between Alabama and Georgia the Buddy Crawford Bridge.

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Slate, Perloff, Doss, Robertson and St. John:

H. 1829. Pursuant to constitutional amendment CCCXVII ratified on January 27, 1972, this bill creates the Judicial Retirement Fund, and provides for the administration and supervision thereof; provides for the qualifications for retirement benefits for certain judicial officers; provides for the payment of retirement and disability benefits from the fund to qualified individuals; and provides for appropriations to carry out the provisions of the Act.

By Messrs. St. John, Drake and McDonald:

H. 1409. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of acquiring and providing water works systems; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the revenues from any such system or the proceeds from certain taxes, or both such revenues and taxes; to specify the effect and priority of any such pledges; and to authorize the refunding of any such warrants.

By Mr. Owens:

H. 1757. To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the "Driver Education and Training Fund" for the express purpose of instituting and conducting a program of preclicensing driver education and training.

By Mr. Downing:

H. 1913. To amend Section 24 of Act No. 3, H. B. 4, 2nd Special Session 1971 (Acts 1971, p. 4104), entitled "To make annual appropriations for the support, maintenance, and development of public education

in Alabama for each of the fiscal years ending September 30, 1972 and September 30, 1973" which section relates to the annual appropriations for the support, maintenance, and development of public education at the University of South Alabama, so as to further regulate the annual appropriation to said University for the fiscal year ending September 30, 1973.

By Mr. Smith (P), et al:

H. 2201. To make a conditional appropriation to the Department of Agriculture and Industries.

By Messrs. Coshatt and Reid (R):

H. 2138. Relating to the thirtieth judicial circuit; providing for additional circuit court judge in such circuit.

By Messrs. Waggoner, Lyons and Meeks:

H. 1218. To make an appropriation of \$80,000 per year for the next two fiscal years, out of any fund in the State Treasury not otherwise appropriated, for use by the State Health Department for Family Planning Services.

By Mr. Mims, et al:

H. 710. To amend Code of Alabama 1958 Recompiled, Title 45, Section 54, which section pertains to the providing of a convict with clothing and money upon discharge, so as to provide said convict with money for the least expensive mode of public transportation back to the point of sentencing.

By Mr. Mims, et al:

H. 707. To create and establish a fund for the Board of Corrections to be used by the Commissioner of Corrections in paying certain administrative expenses in the general office and in the prison and institutions under his supervision.

By Mr. St. John, et al:

H. 1912. To authorize the Alabama Public School and College Authority to sell and issue \$7,500,000 aggregate principal amount of additional bonds to provide for the acquisition, construction, reconstruction, improvement, alteration and equipment of buildings and other facilities at The University of Alabama located in Tuscaloosa, Alabama, for public legal educational and allied purposes, including law research and revision, law enforcement training, public service, continuing legal education, and clinical law training and for facilities for the Communications sciences; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore

issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

By Mr. Culver, et al:

H. 1361. To provide for compensation of Deputy District Attorneys No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit.

By Mr. Erdreich, et al:

H. 1349. Relating to income tax exemptions; to exempt from payment of income taxes, certain gains received from the sale of any residence when the gain from such sale is used to purchase a new residence for the seller; and to further provide for exemption from tax for a portion of the gain from the sale of a residence by a person 65 years old or older when no new residence is purchased.

By Mr. Dill, et al:

H. 1335. To provide for a scholarship program for medical education; to repeal Act No. 278 adopted at the First Special Session of 1965 of the Legislature of Alabama and making an appropriation therefor.

By Mr. Dill, et al:

H. 1334. To provide for the establishment, regulation of, and an appropriation for the financing of a scholarship loan and awards program for the study of dentistry; replacing Act No. 793 of Acts of Alabama, Regular Session 1965.

By Mr. Harris:

H. 845. Relating to the Fifteenth Judicial Circuit; to provide for additional Circuit Judge in such Circuit; defining his jurisdiction, powers, right and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

By Mr. Hobbie:

H. 299. To make a supplemental appropriation to the State Agency for Social Security for the fiscal year ending September 30, 1973.

By Mr. Jones (F):

H. 125. To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Littleton:

S. 946. Relating to counties having a population of not less than 36,500 nor more than 39,200, according to the most recent federal decennial census; providing for the appointment of inspectors and personnel which assist in the enforcement of privilege licenses or excise taxes levied upon sellers, distributors, storers, wholesalers or users of malt or brewed beverages within such counties.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Weaver (With Substitute):

S. 947. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the charging of certain fees relating to certain offices in these counties.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Wood, Perloff, Nettles, and Downing:

H. 276. To provide that in all counties having populations of not less than 300,000 nor more than 500,000 inhabitants according to the last or any succeeding census, the county governing body of such counties is authorized to pay a monthly pension to any public law librarians upon retirement.

By Mr. Callahan (with notice and proof):

H. 1367. Relating to Mobile County, to increase the compensation of election officials in such county.

By Mr. Collins:

H. 1811. To fix the compensation or salary of the Clerk of the Circuit Court in all counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent Federal decennial census, and to provide for the payment thereof.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute and it was read a second time and placed on the calendar, to-wit:

By Mr. Parker (With Substitute):

H. 831. Relating to Tuscaloosa County: Providing for the appointment of an assistant circuit clerk of the circuit court of Tuscaloosa County; prescribing the duties and authority of such clerk, fixing the compensation and providing for payment from the general funds of the county.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Robertson and Culver:

H. 685. To amend Act No. 1434, S. 769, Regular Session 1971 (Acts 1971, p. 2459), an act relating to counties having a population of not less than 110,000 nor more than 150,000 inhabitants; fixing the salaries of chairman and associate members of the Civil Service Boards of such counties.

By Mr. Robertson:

H. 684. To amend Title 52, Section 63, Code of Alabama 1940, as amended, which relates to the membership on county boards of education, so as to change the population bracket in the proviso providing that not more than two classroom teachers may serve on said county board in an advisory capacity only and shall be elected by the classroom teachers of such counties.

By Mr. Parker (with notice and proof):

H. 2059. Relating to Tuscaloosa County; to increase the number of appointed members of the Tuscaloosa City Board of Education from five to seven.

By Messrs. Bank, Parker and Culver (with notice and proof):

H. 1094. Governing the pleading, practice and procedure in civil actions in the Tuscaloosa County Court by adopting the Alabama Rules of Civil Procedure to increase the jurisdiction in civil actions in the Tuscaloosa County Court and to provide an expense allowance for the judge of the Tuscaloosa County Court.

By Messrs. Parker and Culver:

H. 1618. Relating to counties having populations of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census, providing further for the salaries of the tax collectors of such counties.

By Messrs. Parker and Culver:

H. 1619. To provide an annual expense allowance for the circuit clerks of all counties having populations of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census, which expense allowances shall be effective only for the duration of the present terms of office of the circuit clerks of such counties.

By Messrs. Parker and Culver:

H. 1620. Relating to counties having populations or not less than 115,000 nor more than 150,000 according to the most recent federal decennial census, providing further for the salaries of the tax assessors of such counties.

By Messrs. Bank, Robertson, Culver and Parker:

H. 2083. To further amend Sections 2 and 3 of Act No. 491, S. 444, Regular Session 1961, as amended, An Act relative to cities in the state having a population of not less than 60,000 nor more than 70,000 people, according to the last or any subsequent federal decennial census; providing for a commission form of government in such cities; and providing for the term of the members of said commission board, and the time and manner of calling and holding an election therefor.

By Messrs. Culver, Parker and Bank:

H. 1593. Relating to counties having populations of not less than 115,000 nor more than 150,000 according to the most recent federal decennial census, so as to enumerate certain political activities which shall not preclude employment of any person coming under the provisions of any county civil service systems established in such counties.

By Messrs. Culver, Bank, Parker and Robertson:

H. 2063. Relating to counties having populations of not less than 115,000 nor more than 150,000, according to the most recent federal decennial census; fixing the fees for issuance of pistol permits by the sheriff of such counties, and providing for the disposition and use of such fees.

By Mr. Robertson:

H. 1436. To authorize, provide for the licensing of, and to regulate the operation of, and hunting on privately owned hunting preserves, stocked by artificially propagated upland birds in all counties having a population of not less than 115,000 nor more than 150,000, according to the most recent federal decennial census; to prescribe the fees for such licenses, provide for their collection and distribution; and to prescribe penalties for violation of this Act.

By Messrs. Lutz, Grainger, Hearn, King and Hale (with notice and proof):

H. 2061. Pertaining to Madison County, to set standards for judicial officers in said County for the pre-trial release of those persons accused of crimes, and to establish penalties for failure to appear or for violation of release conditions.

By Messrs. King, Grainger, Hale, Lutz and Hearn (with notice and proof):

H. 2135. Providing for the appointment, powers, compensation and duties of deputy registrars in Madison County; providing that the board of registrars shall pass upon all applications for registration; and to authorize county governing bodies to provide necessary funds and personnel to provide such service.

By Mr. Therrell:

H. 1548. Relating to all cities having a population of not less than 40,000 nor more than 42,000 according to the last or any subsequent federal decennial census, making certain changes in the employees' pension system.

By Mr. Collins:

H. 2091. To authorize and provide for the collection of an additional application or issuance fee to be charged by the License Commissioners, Judges of Probate, Directors of Revenue, or other public officers performing like duties relating to the application or issuance of motor vehicle licenses, motor vehicle license transfers, drivers licenses or permits, business or professional licenses and the transfer of business licenses in all counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census, provided however, that no affidavit fee of twenty-five cents presently prescribed by law in said counties shall be collected for affidavits taken or required in the course of the application or issuance of licenses or transfers.

By Mr. Collins:

H. 2098. To amend Act No. 342, Section 1 on Page 632 of the 1971 Acts of Alabama, "to PROVIDE AN ADDITIONAL AND ALTERNATIVE method of assessing, paying taxes on and issuing license tags for motor vehicles in counties having a population of 300,000 or more according to the last or any subsequent federal census." This amendment to provide for an increase in the mail fee for motor vehicle license tags issued by mail in counties having a population of not less than 300,000 nor more than 500,000.

By Messrs. Downing, Stokes, Callahan, Roberts and Perloff:

H. 2062. Relating to counties having a population of not less than 300,000 and not more than 500,000 according to the last Federal Decennial Census; to authorize the manufacture of any alcoholic, spirituous, vinous or otherwise alcoholic beverages and malt or brewed beverages in such counties.

By Mr. Therrell:

H. 1895. Authorizing marriages to be solemnized by certain persons in addition to those persons now authorized by law in counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census.

By Mr. Collins:

H. 1449. Relating to Mobile County; providing for landowners with no access road to acquire a right of way of forty feet.

By Messrs. Therrell, Callahan, Perloff and Wood:

H. 607. To provide that the fire fighters or police officers of any city having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census, may by election designate bargaining agents to represent each in respect to the wages the City employing each shall pay each and in respect to other conditions of employment; to provide for calling and conducting elections to certify bargaining agents and elections to decertify bargaining agents to authorize the Director of Labor of the State of Alabama to establish rules and regulations governing the call of, notice of, and conduct of such elections; to provide for collective bargaining proceedings to be instituted by the bargaining agents or the officers or body empowered to establish wages for the fire fighters or police officers; to provide for compulsory arbitration; to provide for the appointment of arbitrators and define their jurisdiction and authority; to provide that it shall be unlawful for a fire fighter or police officer to strike or engage in any work stoppage or slowdown, and that it shall be unlawful for any bargaining agent, or any officer or body empowered to establish wages for fire fighters or police officers to fail to bargain in good faith, in accordance with this Act; to provide penalties for any person violating this Act; and to repeal all laws or parts of laws, whether general, special or local, in conflict with this Act.

By Mr. Collins (with notice and proof):

H. 96. Relating to counties having a population of not less than 300,000 nor more than 500,000 according to the most recent federal decennial census; providing for fees to be paid the sheriff for service of the original complaint and summons in every civil case filed in any court in such counties.

By Messrs. Callahan, Nettles and Therrell (with notice and proof):

H. 1741. Amending the title and Section 1 of Act No. 57, H. 438, Regular Session 1971 (Acts 1971, p. 310) relating to the Board of Health of Mobile County, so as to provide for approval of the county governing body of fees established by the Board of Health.

By Messrs. Nettles, Stokes, Wood, Perloff, Therrell, Collins and Roberts:

H. 1192. To prohibit the State Committee of Public Health from closing or denying a health permit to certain food handling establishments in all counties with a population of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census.

By Mr. Lyons, et al (With Notice and Proof):

H. 1523. To authorize the County Commission of Mobile County to make appropriations for the support and operation of a nonprofit organization to provide services to and for the benefit of the citizens of Mobile County.

By Messrs. McDonald, St. John and Drake (with notice and proof):

H. 1915. Relating to Marshall County; to authorize and permit grocery stores to remain open on Sunday provided any such grocery store does not have on duty in such stores more than three employees at any one time on Sunday and to provide for licensing such grocery stores by the license issuing officer of such county.

By Mr. McDonald (with notice and proof):

H. 2111. Relating to Marshall County, Alabama; relating to The Official Court Reporter for the County Court of Marshall County, Alabama.

By Mr. Coshatt (with notice and proof):

H. 2153. Relating to St. Clair County, to provide for the repeal of the property tax that is presently being levied and collected in St. Clair County for the construction and operation of hospitals and health facilities therein, and to set forth certain conditions for the repeal of said tax, including the providing for the holding of a referendum for the purpose of determining if this Act shall become effective.

By Mr. Coshatt:

H. 2137. Relating to counties having populations of not less than 27,900 nor more than 33,500 according to the most recent federal decennial census; to regulate and control the occupancy of any new or existing building or structure of enclosure where people reside, work, gather or otherwise congregate until the drinking water, plumbing, septic tanks and all pit toilets for the property have been approved by the Sanitarian of the county; to make it unlawful for any public utility, company, board, commission, corporation or individual to make available for use on such property electricity, water or other public service until a certificate of occupancy is issued by the Sanitarian of the county; to provide for appeal to the circuit court by the occupant or owner of such property from the decision of the Sanitarian of the county; to provide that any violation of this act shall constitute a misdemeanor; and, to prescribe penalties.

By Mr. Coshatt:

H. 2136. To provide that this act shall apply to each county of the State having a population of not less than 27,900 nor more than 33,500

according to the last or any subsequent federal census, and to each municipality of such county; to provide that within that area of any such county lying outside the corporate limits and police jurisdiction of any municipality the governing body of the county shall have exclusive authority to prohibit the giving away, selling, serving or drinking of alcoholic beverages in public places at such hours, or times, as may be specified by the governing body, and also exclusive authority, in the last mentioned area, to prohibit in public places the sale, or service of alcoholic beverages except to persons seated at tables, or to impose restriction on the sale, or service, of such beverages to persons not seated at tables; to provide that within that area lying within the corporate limits or police jurisdiction of any such municipality the governing body of the municipality shall have the exclusive authority to prohibit the giving away, selling, serving or drinking of alcoholic beverages in public places at such hours, or times as may be specified by the governing body, and also exclusive authority in the last mentioned area to prohibit in public places the sale, or service, of alcoholic beverages except to persons seated at tables; or, to impose restrictions on the sale, or service of any such beverages to persons not seated at tables; to provide that the governing body of any such county or any such municipality, shall have the power to adopt ordinances prescribing any prohibition or restriction this act authorizes the county or city to establish; to provide that any violation of any such ordinances shall constitute a misdemeanor; to repeal any such ordinance of any such county or any such municipality in effect when this act becomes effective in such county or such municipality; to repeal all laws or parts of laws in conflict with the provisions of this act except laws prohibiting or regulating the sale or use of alcoholic beverages on election day or in relation to elections; and to expressly provide that this act repeals any part of either of the following laws in conflict with this act: Act No. 102 of the Regular Session of the Legislature of 1949, approved June 20, 1949, (Ala. Acts, 1949, p. 120) and Section 44, Title 29, Code of Alabama 1940, as now or hereafter amended.

By Messrs. McDonald and St. John:

H. 2089. To authorize and provide for holding an advisory referendum by the qualified voters in cities having populations of not less than 9,500 nor more than 10,000, according to the most recent federal decennial census, on the question of establishing a school system separate from the county.

By Messrs. McDonald, St. John and Drake (with notice and proof):

H. 2088. To provide an annual salary for the tax assessor and tax collector of Marshall County.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Reed (T) (With Substitute):

H. 2078. Relating to all counties having populations of not less than 24,500 nor more than 25,000 according to the most recent decennial census; to provide for and create a County Racing Commission for the regulation, licensing, and supervision of dog racing, and wagering thereon; to prescribe the composition, appointment, powers, and duties of the commission; to provide for and regulate the parimutuel or certificate method of wagering within the enclosure of licensed race tracks; to provide for the distribution of license fees, taxes, commissions, and other

monies received under the provisions of the Act; and to provide certain penalties for the violation of this Act and for other purposes relative thereto, and to provide for a referendum of the voters of the county on the question of whether the Act will become effective in the county, and to provide for the severability of the parts, sections and provisions of the Act.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Fite:

H. 2092. Relating to all counties having a population of not less than 16,600 nor more than 16,950, according to the last or any subsequent federal decennial census, authorizing the appointment of a deputy coroner in such counties.

By Mr. Fite (with notice and proof):

H. 457. To provide additional exemptions from the sales and use taxes levied in Marion County under the provisions of Act No. 647, H. 871, 1967 Regular Session, (1967 Acts, p. 1460).

By Mr. Fite (with notice and proof):

H. 2093. To make an appropriation from the Marion County treasury for the relief of Ronnie Cook.

By Messrs. Cross and Carter:

H. 2042. Relating to any counties having a population of not less than 27,000 nor more than 27,900; authorizing the county commission to set an expense allowance for county officials.

By Messrs. Carter and Cross:

H. 2041. Relating to counties having a population of not less than 39,500 and not more than 41,750 according to the most recent federal decennial census, providing an expense allowance for certain county officers.

By Messrs. Smith (P) and McCluskey (with notice and proof):

H. 2110. Relating to Talladega County, fixing the salary of the tax collector of such county.

By Messrs. Smith (P) and McCluskey (with notice and proof):

H. 2112. Relating to Talladega County, fixing the salary of the Tax Assessor of such county.

By Messrs. Smith (P) and McCluskey (with notice and proof):

H. 2113. To extend, alter and rearrange the boundary lines and corporate limits of the City of Talladega, Talladega County, Alabama.

By Messrs. Smith (P) and McCluskey:

H. 2115. To create the office of county license inspector in all counties of this state having a population of not less than 65,000 or more than 68,000 inhabitants, according to the last or any subsequent Federal decennial census, and to provide for the appointment of a license inspector, fix his compensation, prescribe his duties and define his powers, and provide for the operation of his office.

By Mr. Headley (with notice and proof):

H. 1914. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Maplesville, in Chilton County.

By Mr. Stubbs:

H. 2131. To increase the annual salary to the Tax Assessor, Tax Collector, Probate Judge, Judge of the Inferior Court, and the Circuit Clerk and Sheriff in each county having a population of not less than 37,000 nor more than 39,000 according to the most recent federal decennial census beginning October 1, 1973 for the Tax Assessor and Tax Collector and on the date of the beginning of the next term of office for the Probate Judge, Judge of the Inferior Court, and the Circuit Clerk and Sheriff.

By Mr. Stubbs:

H. 2132. To authorize the county governing body of each county having a population of not less than 37,000 and not more than 39,000 according to the most recent federal decennial census to adopt a resolution and thereby authorize all polling places to remain open between the hours of 8 a.m. and 7 p.m. at all state and local elections held within such counties.

By Mr. Stubbs (with notice and proof):

H. 2133. Relating to Shelby County; to amend Act No. 1886, Regular Session, 1971 (Acts 1971, p. 3071), providing for protection against forest fires and assessing the cost against forest lands so as to increase the assessment and to exempt from the assessment the first one hundred sixty acres owned by any one owner.

By Mr. Stubbs (with notice and proof):

H. 2134. Relating to the City of Montevallo, to provide for an election to permit the sale of alcoholic beverages in Montevallo within one mile of the University of Montevallo.

By Mr. May (with notice and proof):

H. 1503. Relating to Escambia County; providing salaries and expense allowances for the Chairman and associate members of the Board of County Commissioners amending Sections 2 and 4 of Act No. 411, H. 742, Regular Session 1963; and amending Sections 1 and 2 of Act No. 652, S. 736, Regular Session 1969 (Acts 1969 p. 1182).

By Mr. May (with notice and proof):

H. 1504. Relating to Escambia County, providing for the payment or reimbursement by said County to the members, including the Chairman, of the Escambia County Commission and the Attorney for said County of their actual expenses incurred in the performance of their duties outside the County, including expenses incurred by them in attending conventions of the Alabama Association of County Commissioners and the National Association of County Commissioners, and repealing Act No. 193, S. 79, Special Session 1969 (Acts, 1969, p. 255) and repealing Act No. 611, H. 1168, Regular Session 1971 (Acts, 1971, p. 611).

By Mr. Kinsey (with notice and proof):

H. 2101. Relating to Baldwin County; to require security deposit for court costs in all civil suits filed in any court in Baldwin County or in lieu thereof a pauper's oath; and prescribing penalties for false statements.

By Mr. May (with notice and proof):

H. 2157. Relating to Escambia County; dividing Escambia County into two districts for the purpose of electing associate members to the Escambia County Commission; providing for the election of two commissioners for each district and fixing their qualifications and term of office; providing for the manner of electing such commissioners subject to the approval of the electors of the county voting in a referendum thereon.

By Mr. Warren:

H. 2129. Relating to counties having populations of not less than 15,625 nor more than 15,850 according to the most recent federal decennial census; providing foreign medical graduates an alternative method by which to become certified to practice medicine within such counties.

By Mr. Williams:

H. 2082. To amend Act No. 1590, S. 415, 1971 Regular Session (1971 Acts, p. 2717), which provides for establishing and enforcing rules and regulations for training, licensing and related requirements for ambulance operators, attendants, and drivers and rules and regulations for the operations, design, equipment and inspection and licensing of ambulances, and which prescribes penalties for violation of such rules and regulations and exempts certain volunteer rescue squads from the provisions of the Act, so as to provide that certain provisions of this Act shall not apply in counties having populations of not less than 38,100 nor more than 40,500, according to the most recent federal decennial census, and to grant the county governing bodies of such counties certain regulatory powers relative to ambulances, ambulance attendants and ambulance drivers, for such purposes amending the title and Section 6 of such Act.

By Messrs. Mims and Warren (with notice and proof):

H. 2027. Relating to Wilcox County; authorizing the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

By Messrs. Chesnut and Porter:

H. 2054. To provide clerical assistance for the Deputy District Attorney in counties having populations of not less than 15,400 nor more than 15,625 according to the most recent federal decennial census; to repeal Act No. 197, H. 214, Special Session 1967 (Acts 1967, p. 243), as amended.

By Mr. Williams:

H. 1857. To amend Act No. 379, H. 937, Regular Session 1969 (Acts 1969, p. 750) which establishes a secretary for the Deputy District Attorney of all counties having a population of not less than 38,100 nor more than 40,500, in order to further regulate the salary of said secretary.

By Messrs. Chesnut and Porter:

H. 2055. To provide an expense allowance for the Deputy District Attorney of counties having a population of not less than 15,400 nor more than 15,625 according to the most recent federal decennial census.

By Messrs. Agee and McCorquodale (with notice and proof):

H. 2036. Applicable to Choctaw County; providing foreign medical graduates an alternative method by which to become certified to practice medicine within Choctaw County.

By Messrs. Agee and McCorquodale:

H. 2035. To repeal Act No. 197, H. 525, Regular Session 1959 (Acts 1959, p. 732) entitled, "An Act to regulate the compensation of members of the county board of education in counties having a population of not less than 19,000 nor more than 19,300 inhabitants according to the 1950 federal decennial census."

By Messrs. Agee and McCorquodale:

H. 2034. Relating to the First Judicial Circuit; designating each county solicitor or assistant district attorney in each county composing the circuit as a deputy district attorney, and providing that all such deputy district attorneys shall be entitled to receive equal shares of any funds appropriated by the state for the compensation of deputy district attorneys.

By Messrs. Agee and McCorquodale:

H. 2037. Relating to counties having a population of not less than 16,000 nor more than 16,250 inhabitants, according to the most recent federal decennial census; to provide for the election of members of the county commission from specified districts.

By Messrs. Agee and McCorquodale:

H. 2162. Relating to counties having populations of not less than 16,000 nor more than 16,250 according to the most recent federal decennial census, providing an additional expense allowance for the chairman and members of the governing bodies of such counties.

By Messrs. Pruitt and Manley (with notice and proof):

H. 2159. To enlarge the corporate limits of the town of Cuba, Alabama, located in Sumter County.

By Messrs. Pruitt and Manley (with notice and proof):

H. 2160. Applicable to Sumter County; providing foreign medical graduates an alternative method by which to become certified to practice medicine within Sumter County.

By Messrs. Pruitt and Manley (with notice and proof):

H. 2158. Relating to Sumter County, to provide that the sheriff shall be entitled to the allowances payable by the state for feeding prisoners; to provide that the provisions of this Act shall be retroactive to January 18, 1971.

By Messrs. Agee and McCorquodale (with notice and proof):

H. 2033. Relating to Choctaw County, Alabama; levying a privilege license or excise tax on certain sellers and distributors of spiritous or vinous liquor; levying a privilege license or excise tax upon sellers, distributors, storers, or users of malt or brewed beverages; authoring the county commission to levy an additional tax upon such sellers, distributors, storers, or users of malt or brewed beverages; providing for the administration of the Act by the Probate Judge and the collection, apportionment, and distribution of the proceeds of the Act; prescribing penalties for violations and giving the Act a retroactive effect.

By Messrs. Agee and McCorquodale:

H. 2031. To regulate the compensation of members of the county board of education in all counties having populations of not less than 16,350 nor more than 16,650, and to validate, ratify and confirm all expenditures of funds heretofore paid to members of any county board of education operating in said county prior to the effective date of this act.

By Messrs. Flippo and Hill (with notice and proof):

H. 2121. Amending Section 1 of Act No. 791, H. 923, Regular Session (Acts 1969, p. 1421), relating to the sheriff's department of Lauderdale County, so as to remove the maximum number of deputies that can be hired.

By Messrs. Hill and Flippo:

H. 2125. Relating to counties having a population of not less than 65,500 nor more than 75,200 according to the most recent federal decennial census; providing a monthly expense allowance for the chairman and members of the county commission.

By Messrs. Hill and Flippo (with notice and proof):

H. 2126. Relating to Lauderdale County; setting the compensation of certain county officials.

By Messrs. Flippo and Hill (with notice and proof):

H. 2127. To authorize the Lauderdale County Board of Education to set and establish sick leave and annual leave, and rules pertaining thereto for employees other than teachers so that said employees may, at the discretion of said County Board, participate in leave allowances the same as is provided teachers.

By Messrs. Hill and Flippo (with notice and proof):

H. 1919. Relating to Lauderdale County; authorizing the county commission to provide parking facilities near the county courthouse and to regulate parking on county property around the courthouse; providing penalties for violations.

By Messrs. Flippo and Hill (with notice and proof):

H. 1921. Relating to Lauderdale County; authorizing the county commission to establish budgetary limits for the cost of operating all departments of county government and to fix and enforce policies, rules and regulations respecting holidays, vacations and sick leave for all county employees.

By Mr. Turnham:

H. 2103. To authorize the city board of education in all cities having a population of not less than 22,000 nor more than 25,000 according to the last or any subsequent federal decennial census to assume responsibility for community education, park and recreation programs.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Turnham, Adams and Brassell (with notice and proof) (With Substitute):

H. 2102. Relating to Lee County: To create and establish in Lee

County a court with county-wide limited jurisdiction of criminal cases, civil actions formerly at law and of juvenile cases, and court to be known as the District Court of Lee County, Alabama; providing it with officers and employees and prescribing their powers, duties, compensation, their terms of office and the manner of their selection, appointment and election; establishing criminal, civil, juvenile and small claims divisions in said court, and regulating the procedure, process, costs and charges of such divisions; abolishing the Court of Common Pleas of Lee County; providing for the transfer and trial of cases pending in the Court of Common Pleas of Lee County, at the time this Act takes effect, to the District Court of Lee County, Alabama; and repealing conflicting laws.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Hardin (with notice and proof):

H. 2117. To amend Act No. 324, H. 872, Regular Session 1957 (Acts 1957, p. 429), which act provides an expense allowance for the County Solicitor of Butler County.

By Messrs. Turner and Cottingham:

H. 2080. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties.

By Mr. Grey (D):

H. 2118. To amend Section 1 of Act No. 116, H. 98, Regular Session 1971 (Acts 1971, p. 395), an act relating to counties having populations of not less than 14,000 nor more than 15,000, fixing the fee for issuance of a pistol permit, so as to increase such fee.

By Mr. Grey (D):

H. 2151. To amend further Section 1 of Act No. 194, S. 417, Regular Session 1967 (Acts 1967, p. 560), as amended, which fixes the fee for issuance of a pistol permit by the sheriff and provides for the distribution and use of such funds, in certain counties classified on a population basis, so as to increase such fee.

By Messrs. Taylor, Barron and Hobbie:

H. 1525. To provide for supernumerary sheriffs in the various counties in the State of Alabama having a population of not less than 150,000 and not more than 180,000 according to the last Federal Decennial Census, setting up the requirements and qualifications, fixing their compensation, status and tenure of office, and providing for the payment of their salaries.

By Messrs. Carnes, Wynot and Waldrop (with notice and proof):

H. 2086. To amend further Act No. 226, H. 588, Regular Session 1959, which creates a board of trustees of the policemen and firemen's retirement fund and provides a retirement system for policemen and firemen of the City of Gadsden, Etowah County, so as to make further provision for the retirement of such persons.

By Messrs. Carnes, Wynot and Waldrop (with notice and proof):

H. 2087. To amend further Section 4 of Act No. 671, H. 921, Regular Session, 1951 (Acts 1951, p. 1158) as amended, which provides for the appointment of a three member Civil Service Board for Gadsden, appointed by the Governor for a term of three years, to provide further for the increase in membership to five members appointed by a majority vote of the combined legislative delegation of the City of Gadsden; to place restriction on membership.

By Messrs. Carnes, Wynot and Waldrop (with notice and proof):

H. 2085. To amend Section 5 of Act No. 226, Acts of Alabama, 1959, as Amended.

By Messrs. Cross and Carter (with notice and proof):

H. 2043. Relating to Lawrence County, abolishing the fine and forfeiture fund of Lawrence County and providing that all monies now in the fine and forfeiture fund or hereafter collected for such fund shall be paid into the general fund of such county and that all claims due or to become due from the fine and forfeiture fund shall be paid from the general fund of the county; providing that witness certificates obtained as a state's witness before the grand jury or the circuit court, county court or other inferior court in which a criminal prosecution is pending shall be paid from the general fund on presentation; providing that all monies now held or hereafter collected as witness fees for state's witnesses in the circuit court, county court or other inferior court shall be paid on collection into the general fund of the county.

By Messrs. Adams and Brassell:

H. 2145. Relating to counties having a population of not less than 42,000 nor more than 49,500 according to the most recent federal decennial census; allowing the governing bodies to pay two additional deputies, two jailers, and a bookkeeper for the months of July and August of 1973.

By Mr. Collins (with notice and proof):

H. 99. Relating to Mobile County: To amend further Section 1 of an Act approved June 28, 1940 (Act No. 594, H. 1044, Local Acts of Alabama, 1939, p. 355), placing the Sheriff of Mobile County, Alabama, on a salary basis.

By Mr. Collins (with notice and proof):

H. 97. To further amend Section 2 of an Act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1943, page 59 of the Local Acts of 1943 as amended by an Act of the Legislature of Alabama being Local Act No. 784 approved September 8, 1961, page 1136 of the Local Acts of 1961, and further amended by an Act of the Legislature of Alabama, being Local Act No. 612, approved August 29, 1969, page 1119 of the Local Acts of Alabama of 1969, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

By Mr. Wood:

H. 1748. To propose and provide for the submission of an amendment to the Constitution of Alabama relating to Mobile County making a change in the rates and purposes for which may be levied and distribu-

ted the special tax authorized by the Amendment to the Constitution of Alabama known as Amendment XVIII as heretofore amended, and to supercede the Amendment to the said Constitution known as Amendment CCCI.

(The above Bill, H. B. 1748, was read a second time at length as required by the Constitution.)

By Messrs. Stokes and Nettles:

H. 740. To amend further Section 4, Act No. 172, H. 187, 1st Special Session 1964, as amended, which Act related to Judicial Circuits composed of one county and having not less than six nor more than nine Circuit Judges, by increasing the salary range for the Administrative Assistant to the District Attorney in such counties.

By Mr. Stokes (with notice and proof):

H. 441. To abolish the Inferior Civil Court of Mobile County; to provide for the transfer of cases and causes therein pending to the Court of General Sessions of Mobile County; to repeal conflicting laws and specifically to repeal Act No. 312, H. 766, approved April 13, 1911 (Local Acts 1911, p. 274), and all amendments thereto.

By Messrs. Stokes and Nettles (with notice and proof):

H. 739. To amend further Code of Alabama 1940, Title 13, Section 254 as last amended by Act No. 313, H. 823, Regular Session 1971, by increasing the compensation of certain deputy circuit solicitors in the Thirteenth Judicial Circuit.

By Mr. Collins (with notice and proof):

H. 1346. To amend further Act No. 470, H. 952 of the Regular Session of 1939, approved September 15, 1939, (Local Acts, 1939, p. 298) which creates and establishes the County-wide Civil Service System in Mobile County.

By Mr. Collins (with notice and proof):

H. 98. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597), relating to the compensation of the chief deputy and certain employees in the sheriff's department in counties having populations of not less than 300,000 nor more than 500,000.

By Messrs. Taylor, Jones (F), Harris, Barron and Hobbie:

H. 1461. To amend Section 6, Section 9, Section 15, Section 18 and Section 24 of Act No. 1606, H. 1891 approved September 17, 1971, Regular Session 1971 (Acts 1971, p. 2761) to create in the City of Montgomery in connection with the regular organized and paid Fire Department of the City of Montgomery Fire Fighters Pension Fund; to create a board of trustees of the Montgomery Fire Fighters Pension Fund and to provide for the organization of such board of trustees; to designate certain members of said boards and provide for the selection of such members; to prescribe the powers and duties of said board and its officers and agents; to provide for the use, management and control of said Fund; to provide for the payment into such Fund of a certain percentage of the gross premiums now being collected from fire insurance companies doing business within such City for said Fund, and for the making of a sworn report by such fire insurance companies of such premiums to the said board of trustees, and to prescribe the penalty for failure to make such payment and report and for enforcing such penalty; to provide for the payment into such Fund of a portion of the monthly salary of each member of such Fire Department; to provide for pensions for disabled

and retired members of such Fire Department and the spouse and minor children of such disabled and retired members; to provide for the payment of the costs of administering said Fund; to prescribe the duties of such City officials in connection with the said board of trustees and the said Fund; to provide for the repeal of all laws in conflict herewith; and to provide the effective date of this act.

By Messrs. Nettles, Collins, Wood, Stokes, Callahan, Therrell, Roberts, Perloff, Lyons and Downing:

H. 1903. Proposing an amendment to the Constitution of Alabama authorizing the levying of a special property tax in Mobile County for the purpose of carrying out the operation and programs of the County Health Department, including a program to control mosquitoes, rodents and other vectors of public health and welfare significance.

(The above Bill, H. B. 1903, was read a second time at length as required by the Constitution.)

By Messrs. Stokes, Downing, Wood, Callahan, Nettles, Roberts and Perloff:

H. 1833. To amend the title and Section 2 of Act No. 2453, Acts of Alabama, Regular Session 1971 (1971 Acts, Vol. V, p. 3920), which relates to certain counties classified on a population basis, so as to exempt certain municipalities and governmental agencies and their employees from its provisions.

By Messrs. Stokes and Nettles:

H. 741. Relating to Judicial Circuits composed of one county and having not less than six or more than nine Circuit Judges; to provide for the appointment in said circuits of one Grand Jury Bailiff; to prescribe his duties, to fix his term of employment and to prescribe his compensation and provide for the payment of his compensation out of the General Fund of the County.

By Mr. Collins:

H. 877. Relating to counties having a population of not less than 300,000 nor more than 600,000 inhabitants according to the most recent federal decennial census, so as to allow probate judges of such counties to store a copy of the records of the probate court at a place, selected by said judge, outside the State, in order to protect such records from fire, natural disaster, civil disorder, nuclear attack, or other destruction.

By Messrs. Collins, Downing and Callahan (with notice and proof):

H. 1721. To authorize the County Commission of Mobile County to make appropriations for the support, operation, maintenance, improvement and expansion of the Greater Mobile Safety Council in Mobile County for the use and benefit of the public.

By Messrs. Wood and Nettles (with notice and proof):

H. 1352. Relating to Mobile County, authorizing the government of each municipality in the county to contribute public funds for a volunteer rescue squad.

By Mr. Perloff:

H. 1086. To amend Section 2 of Act No. 370, S. 439, Regular Session 1953 (Acts 1953, p. 439), which section relates to the authority of the governing body of any city or town in any county of the State of Alabama having a population of not less than 225,000 nor more than 500,-

000 inhabitants, according to the most recent federal decennial census, to confer upon the chief of police of any such city or town to suspend any employees of the police department of such city or town, so as to provide that such suspended employees shall have right of appeal from such suspension.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Perloff, et al (With Amendment):

H. 281. To authorize and make provision for the incorporation, in all counties having a population of not less than 300,000 or more than 500,000, according to the 1970 or any subsequent Federal decennial census, of airport authorities as public corporations for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities (including offices, hangars and facilities for airlines), and of constructing, acquiring, establishing, maintaining, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plant, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business at, upon or adjacent to any airport, heliport or aircraft landing area owned or operated by any such authority, and leasing or letting such building, structures or facilities; to provide that in order for any such authority to be organized application must be made to the governing body of a county to which this act applies and to any city or town in such county and permission for the organization of such authority obtained from each governing body to which application is made; to specify that any such authority shall be governed by a board of directors and to fix the number of such directors, their terms of office and the manner of their election; to specify the powers of each such authority; to endow each such authority with the power of eminent domain (which may be exercised within or without the county in which the authority is organized); to exempt each such authority from all laws, ordinances and regulations relating to zoning and all laws relating to the advertising and award by the state, its departments, counties, municipalities and other political subdivisions of the state of construction or purchase contracts; to provide that any county in which any such authority is organized and any municipality or other political subdivision, public corporation, agency or instrumentality located within such county may aid and cooperate with any such authority in the planning, undertaking, acquisition, construction, and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to any such authority money, property (including existing airports and airport facilities) or any right capable of transfer; to provide that no action or suit shall be brought against any such authority or any director thereof for or on account of the negligence of the authority or any director or of its or his agents, servants or employees; to authorize the issuance by each such authority of interest-bearing revenue bonds payable solely out of revenues of the authority issuing such bonds; to specify provisions of such revenue bonds issued by any such authority; to provide that any such revenue bonds may be secured by a pledge of any revenues of the issuing authority (whether such authority's right to such revenues then exists or may thereafter come into existence) and by mortgage on any property of any such authority, whether then in existence or thereafter acquired; to provide that any such pledge may be provided in an indenture be-

tween the authority issuing such bonds and a trustee or by resolution providing for the issuance of such bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the Judge of Probate of the county in which the principal office of the authority is located and in any other county in which there is located any property of the authority the revenues from which are so pledged; to provide that any authority may include in any indenture or resolution authorizing the issuance of such bonds provisions customarily contained in instruments securing similar evidences of indebtedness; to provide that bonds issued and contracts entered into by any such authority pursuant to this act shall not constitute or create a debt of this state or of any county, city or town within the state; to specify the use to which proceeds of any such bonds may be put; to authorize the refunding of any such bonds; to provide for remedies in the event of default; to exempt from all taxation any such bonds and the income therefrom and the property, receipts and income of any such authority; to authorize the investment of any idle funds of any county to which this act applies, and of any city or town within such county, in bonds issued by any such authority; to provide that bonds issued by any such authority shall be legal investments for fiduciary, savings banks and insurance companies; to authorize the publication of the notice of the adoption of any resolution authorizing the issuance of any such bonds and to specify the time after the publication within which actions and defenses may be asserted respecting such bonds, pledge and indenture and proceedings authorizing the same; to endow each such authority with the zoning powers specified in Act No. 730 (1953 Regular Session); to provide for the dissolution of any such authority and the disposition of its properties; and to provide that neither the formation or existence of a public corporation under the provisions of Act No. 265 (1963 Regular Session) shall preclude the organization of an authority under this act.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lyons (with notice and proof):

H. 14. To require the posting of a fee for costs in all civil suits filed in the courts in Mobile County.

By Mr. Lang (with notice and proof):

H. 1784. To relieve members of the Greene County Commission of the obligation of making payment for certain illegal expenditures of county funds for ambulance services; to appropriate county funds for reimbursements for certain payments heretofore made.

By Mr. Lang (with notice and proof):

H. 1785. To amend Act No. 149, H. 441, approved June 29, 1951 (Acts of Alabama 1950-51, vol. I, p. 383), as amended, an act relating to the powers, duties, and compensation of the court of county commissioners of Greene County.

By Messrs. Wynot and Carnes (with notice and proof):

H. 2168. Relating to Etowah County; further regulating the practice of cosmetology in such county particularly in reference to the licensing of managing cosmetologist and the serving of apprenticeships,

as such terms are used and defined in Act No. 78, S. 72 of the Special Session 1961.

By Mr. Smith (K):

H. 2210. To provide that the provisions of Act No. 403, H. 330, of the Regular Session of 1971 (Acts 1971, p. 689) which provides for the registration and licensing of barbers, barber apprentices and barber colleges, shall not apply in any counties in this state having populations of not less than 33,550 and not more than 34,000 according to the most recent federal decennial census.

By Mr. Owens:

H. 2170. Relating to counties having a population of not less than 15,650 nor more than 16,200 according to the most recent federal decennial census; requiring any judge who wishes to be paid by such counties under the provisions of Act No. 606 S. 112, Regular Session 1969 (Acts 1969, p. 1110), which relates to Supernumerary Probate Judges, to maintain his permanent residence in such county.

By Messrs. Manley and Pruitt:

H. 2071. Relating to counties having a population of not less than 23,800 nor more than 23,925 according to the most recent federal decennial census to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in certain jails of such counties, and providing for a rehabilitation board to supervise and administer the rehabilitation processes of this Act.

By Messrs. McCorquodale and Agee:

H. 2227. To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in counties having less than 16,350 nor more than 16,650 population according to the most recent Federal Decennial Census.

By Mr. McCorquodale:

H. 2218. Relating to all counties having a population of not less than 16,350 nor more than 16,650 according to the most recent federal decennial census, providing that the Judge of Probate of said counties may elect to become exempt from the provisions of Act No. 606, S. 112, Regular Session 1969.

By Mr. O'Daniel:

H. 2222. Relating to all counties having populations of not less than 30,000 nor more than 33,575; providing for the compensation of bailiffs; and providing that the provisions of this act shall be given retroactive effect to January 1, 1973.

By Messrs. Taylor, Jones (F) and Hobbie:

H. 2149. To provide for and regulate the selection and empaneling of alternate jurors for the trial of any case triable by jury in the circuit courts of the fifteenth judicial circuit.

By Mr. Hobbie (with notice and proof):

H. 2164. Relating to Montgomery County; authorizing the establishment of branch banks.

By Messrs. Hobbie and Barron (with notice and proof):

H. 2166. Relating to circuit court jurisdiction in Montgomery Coun-

ty, so as to raise the age of a dependent child, a neglected child, and a juvenile child from sixteen to eighteen years, and to place such persons eighteen years or younger within the jurisdiction of the circuit court.

By Messrs. Stewart, Merrill and Burgess:

H. 2107. Proposing an amendment to the Constitution of Alabama relative to a special district ad valorem tax for public school purposes in each school district of Calhoun County except the school district comprising the City of Anniston.

(The above Bill, H. B. 2107, was read a second time at length as required by the Constitution.)

By Messrs. Stewart, Merrill and Burgess:

H. 2264. Relating to counties having populations of not less than 95,000 nor more than 115,000 according to the most recent federal decennial census, providing an additional expense allowance for the coroners of such counties.

By Messrs. Bank, Culver, Robertson and Parker:

H. 2252. Applicable to any county having a population of not less than 115,000 nor more than 150,000 according to the last federal decennial census; to exempt registered nurses employed in any state tuberculosis hospital in such county from participating in the state civil service system.

By Messrs. Bank, Robertson, Parker and Culver (with notice and proof):

H. 2245. Relating to Tuscaloosa County to amend Sections 7, 11, 22, 23, 25, and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pensions and Relief Fund for the City of Tuscaloosa, Alabama, changing the percentage composition of the fund, changing the percentage investments of the fund, prescribing limits for disability benefits and payments to dependents of members, and fixing the maximum monthly benefit for a fireman or policeman retiring on or after the effective date of this Amending Act.

By Messrs. Parker and Culver:

H. 2191. Relating to any county having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census; to further regulate the compensation and expense allowances of each member of the county governing body.

By Messrs. Culver and Parker:

H. 2173. Relating to all counties having populations of not less than 115,000 nor more than 130,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

By Messrs. Bank, Robertson and Culver:

H. 1625. Relating to Counties having populations of not less than 115,000 nor more than 150,000 inhabitants, according to the last or any subsequent federal decennial census; authorizing the County governing body and the governing bodies of Municipalities in such Counties to adopt ordinances which protect the historic architectural character of

the County, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

By Messrs. Crowe and Naramore (with notice and proof):

H. 2265. To abolish the Board of Revenue of Walker County, establish in lieu thereof a Walker County Commission and provide for election of a chairman and members of the Walker County Commission, for the nomination of members thereof from districts herein prescribed and to prescribe the functions, jurisdiction, powers and duties of such Walker County Commission and the chairman and members thereof.

By Mr. Parker:

H. 1918. To amend Section 8 of Act No. 1286, H. 1694, Regular Session 1971, approved September 17, 1971, which Act established a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000, by increasing the maximum annual compensation allowed to secretarial, stenographic and clerical assistants and providing for the positions of Investigators for the Public Defender Office and setting the maximum annual compensation therefor.

By Messrs. Robertson and Culver:

H. 2182. To authorize employees of any county having a population of not less than 115,000 nor more than 150,000 inhabitants according to the most recent federal decennial census, and employees of any municipality within such county to join a labor union; to provide that no employer shall require such employee to abstain or refrain from membership as a condition of employment and to provide damages.

By Mr. Parker:

H. 2207. Relating to any county having a population of not less than 115,000 nor more than 150,000, according to the most recent federal decennial census; regulating further the compensation of each bailiff of the circuit court.

By Messrs. Crowe and Naramore:

H. 2095. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

By Messrs. Crowe and Naramore:

H. 2196. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, abolishing the Board of Revenue, establishing in lieu thereof a commission and providing for election of a president and members of said commission for the nomination of members thereof from districts herein prescribed and to prescribe the functions, jurisdiction, powers, and duties of such commission and the president and members thereof.

By Mr. Crowe (with notice and proof):

H. 2108. To amend Section 3 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263), entitled, "An Act to provide for Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the county, defining

violations of the Act; imposing penalties for violations; and repealing conflicting laws," so as to provide for the inclusion of certain other employees under the provision of the Act.

By Messrs. Drake and St. John:

H. 244. To abolish the Office of County Solicitor of Cullman County, Alabama, and to extend the power, authority and duties of the District Attorney of the Thirty-Second Judicial Circuit to require that he prosecute or supervise the prosecution of all misdemeanors and all felonies in any and all inferior courts in said Judicial Circuit and to perform all duties heretofore performed by the County Solicitor of Cullman County, and creating the Office of Deputy District Attorney for said Judicial Circuit to be appointed and serve at the pleasure of the District Attorney; setting the qualifications and salary of said Deputy District Attorney.

By Mr. Hobbie:

H. 2248. To amend Section 7 of Act No. 283, S. 220, Third Special Session 1971 (Acts 1971, p. 4557), an act providing for the incorporation of an authority in any municipality having a population of not less than 70,000 nor more than 135,000 for the purpose of promoting aviation and providing airport facilities for such cities and for the counties in which such cities lie; so as to provide further for the qualifications of the directors of the corporation.

By Mr. Connell:

H. 2171. Relating to counties having populations of not less than 56,000 nor more than 59,000 according to the most recent federal decennial census; to authorize the county commission to construct off-street parking facilities on real property owned by the county, to operate, manage and maintain such facilities, and to make or provide a schedule of fees or charges and promulgate rules and regulations, for the use of such parking facilities; to provide for penalties for violations.

By Messrs. Connell and Crawford (with notice and proof):

H. 2122. To extend, alter and rearrange the boundary lines and corporate limits of the City of Dothan, in Houston County, Alabama.

By Messrs. Connell and Crawford (with notice and proof):

H. 2123. To amend the City of Dothan Pension and Retirement System, established by Act No. 103, Regular Session of the Alabama Legislature, approved June 18, 1953, and amended by Act No. 424, Regular Session of the Legislature, approved August 7, 1961; Act No. 509, Regular Session, approved August 20, 1965; Act No. 601, Regular Session, approved September 8, 1967; Act No. 59, Regular Session 1971 approved July 12, 1971.

By Mr. Barkett (with notice and proof):

H. 2077. To change the method of compensating the probate judge of Dale County, placing such officer on a salary basis, providing for the operation of his office on such basis, and providing that the fees, commissions, percentages and allowances provided the probate judge under the general law shall be paid into the county treasury, and repealing conflicting laws.

By Mr. Barkett (with notice and proof):

H. 2051. To alter, rearrange and extend the boundary lines and corporate limits of the city of Ozark in Dale County.

By Mr. Barkett (with notice and proof):

H. 2052. To alter, rearrange and extend the boundary lines and corporate limits of the town of Clayhatchee in Dale County.

By Mr. Barkett:

H. 2184. To amend Sections 1, 2, and 3 of Act No. 1856, H. 2614 Regular Session 1971, (Acts 1971, Page 3012), which provides for further regulating the days, hours, and places of meetings of the board of registrars in counties with a population of not less than 52,500 or more than 54,000, and setting the compensation of its members, requiring forfeiture of certain compensation for violations, repealing conflicting laws and specifically repealing Act No. 128, H. 366, Regular Session 1969 (Acts 1969, P. 403).

By Mr. Barkett:

H. 2183. To amend the title and Section 1 of Act 149, H. 627, Regular Session 1969 (Acts 1969, p. 426), which provides for compensation and expense allowance for the county governing body in certain counties classified on a population basis.

By Mr. Barkett (with notice and proof):

H. 2099. To abolish the fine and forfeiture fund of Dale County; providing for the transfer of all money on hand in such fund to the general fund; providing for the payment of all claims which would be paid from the fine and forfeiture fund to be paid from the general fund; and providing for the payment of all monies which would be paid to the fine and forfeiture fund to be paid to the general fund.

By Messrs. King, Lutz, Grainger, Hale and Hearn (with notice and proof):

H. 2244. To establish a salary commission for Madison County, Alabama, for the purpose of submitting recommendations as to the salary and compensation for elected officials of Madison County, Alabama; to provide for the appointment of the members of said commission and the duties thereof; to otherwise provide for the implementation of this Act; to repeal conflicting laws.

By Messrs. Carter and Cross:

H. 2205. Relating to all counties having a population of not less than 39,500 nor more than 41,750 according to the last or any subsequent federal decennial census; to declare the public policy with respect to Sunday business activities; to allow the county and municipal governing bodies to adopt rules and regulations and prescribe penalties for Sunday business activities.

By Messrs. Cauthen and Slate:

H. 2251. Relating to counties having populations of not less than 75,000 nor more than 90,000 according to the most recent federal decennial census, providing for the salary of the judge of the county court of any such counties.

By Mr. Casey:

H. 1917. Relating to any county having a population of not less than 17,000 nor more than 20,000 inhabitants according to the most recent federal decennial census; further regulating the compensation of members of the county commission and the ex officio chairman of said county commission.

By Messrs. Turnham, Adams and Brassell (with notice and proof):

H. 2104. Authorizing the Lee County governing body to levy, assess and collect privilege, franchise, license, sales and use taxes to raise funds for schools and general county purposes.

By Mr. Snell:

H. 2225. Relating to all counties having a population of not less than 35,000 nor more than 38,000 according to the last or any subsequent federal decennial census, authorizing the county commission to pay from the county general fund the employer's share of the social security tax for the member of the board of equalization.

By Mr. Snell:

H. 2262. Relating to counties having a population of not less than 35,000 nor more than 38,000 according to the most recent federal decennial census; to provide further for the conduct of elections in such counties wherein the use of voting machines has been, or shall be, authorized; to provide that the county governing body in regulating and providing for the use of voting machines in all elections in the county may, in the manner herein prescribed, divide any voting precinct of the county into territories, designate in each territory a voting center at which the qualified electors of the territory so designated may vote, and prescribe the number of voting machines to be maintained at each voting center; and to provide election officers for each voting center designated by the county governing body, prescribe the duties of such election officers, and fix their compensation.

By Mr. Snell:

H. 2208. Relating to all counties having a population of not less than 35,000 nor more than 38,000 according to the last or any subsequent federal decennial census, authorizing the county commission to set the number of working days for the county board of equalization and to set and pay a travel allowance to the members of the board.

By Mr. Coshatt:

H. 2053. To authorize the governing body of any county having a population of not less than 27,900 nor more than 33,500, according to the most recent federal decennial census, or the governing body of any municipality within such county to establish within such county or within any municipality within such county ambulance service on a non-profit basis; to authorize such county to unite with any municipality within such county or two or more municipalities within such county, to unite with each other or together with such county, in the establishment of such ambulance service, making such service common for the use of such county or participating municipality or municipalities, and to permit the providing of such service by contract or otherwise; to authorize appropriations of public funds for such service by such county or any municipality within such county; to authorize the charging of fees for such ambulance service; and to exempt such county and any municipality within such county from tort liability while operating ambulances or providing ambulance service as authorized herein.

By Mr. Coshatt (with notice and proof):

H. 2243. To amend and reenact Act No. 1729, H. 2523, Regular Session 1971 (Acts 1971, p. 2894), which act provides for a Personnel Appeals Board for employees of St. Clair County and certain cities therein; so as to eliminate the provisions for employees of said cities within said county; to provide that the city representative to such board be elimi-

nated and in lieu thereof let the St. Clair Hospital Board appoint a member to said Personnel Board; to provide that a violation of this act shall constitute a misdemeanor for any person who discusses a pending case of said personnel board with any member of the board; to provide for compliance with orders of the Board and contempt punishment for failure to comply.

By Mr. Reid (R):

H. 2261. Relating to any county having a population of not less than 26,725 nor more than 27,250 inhabitants, according to the most recent federal decennial census; further regulating the expense allowances of each member of the members of the county board of education.

By Mr. McDonald:

H. 2180. Relating to counties having a population of not less than 53,000 nor more than 55,000, based on the last Federal decennial census.

By Mr. Reid (R) (with notice and proof):

H. 2230. To alter, rearrange and extend the corporate limits of the Town of Allgood, Alabama so as to annex certain territory to the town.

By Mr. McDonald:

H. 2206. Relating to any county having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; granting the county commission, at county expense, the power to authorize work for any municipality in such county in regard to public airports, public schools or work in connection with the building of roads and site preparation for new industry in such county.

By Mr. McDonald:

H. 2233. Relating to any county having a population of not less than 53,000 nor more than 55,000 inhabitants according to the most recent federal decennial census; regulating further the clerk hire allowance for the tax assessor and tax collector.

By Mr. McDonald:

H. 2181. Relating to counties having a population of not less than 53,000 nor more than 55,000, based on the last Federal decennial census.

By Messrs. Hill and Flippo:

H. 2124. Relating to the eleventh judicial circuit; providing an expense allowance for the District Attorney of such circuit; providing for a county salary supplement for such District Attorney at the beginning of his next term of office.

By Messrs. Hill and Flippo (with notice and proof):

H. 2177. To amend Act No. 30, H. 69, Acts of Alabama, Regular Session 1953, approved May 28, 1953, relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County and providing that such roads and bridges shall be constructed, maintained and repaired by the State Highway Department, by amending Sections 2 and 5 thereof; providing that the county governing body shall have and exercise the power to determine which new county roads and bridges are to be built within the county and to further determine the location of new roads and bridges within the county which may be established as an addition to or change in the existing county road system,

all subject to the approval of the State Highway Department; providing that the State Highway Department shall cause its Lauderdale County Engineer, or Assistant Engineer, to personally meet with the county governing body of Lauderdale County in its second regular meeting of each month and make an up-to-date status report on the progress of the work of the State Highway Department relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County; and further providing that the State Highway Department shall prepare and file with the governing body of Lauderdale County on a quarterly basis each year a quarterly financial report relating to the construction, maintenance and repair of the county roads and bridges of Lauderdale County by the State Highway Department under the provisions of this Act.

By Messrs. Flippo and Hill:

H. 2176. Applicable to any county having a population of not less than 65,500 nor more than 75,000 according to the last federal decennial census; to provide for the salary of the members of the Jury Commission of such county.

By Messrs. Flippo and Hill (with notice and proof):

H. 2179. Relating to Lauderdale County; to further amend Sections 1, 2, 3, 4, 7, 8 and 10 of Act No. 296 adopted by the 1949 Regular Session of the Legislature of the State of Alabama approved July 28, 1949 (Acts of Alabama of 1949, pp. 426 to 433), as amended by Act No. 470 adopted by the 1959 Regular Session of the Legislature of Alabama, approved November 13, 1959 (Acts of Alabama of 1959, Vol. 2, pp. 1165-1170), relating to privilege or license taxes or excise taxes in Lauderdale County (outside the corporate limits of the City of Florence) and in the City of Florence, Lauderdale County; levying in such county (outside the city limits of Florence) and in such municipality additional privilege license and excise taxes paralleling the state sales and use taxes provided for in Act No. 100, Second Special Session 1959 (Acts 1959, p. 298), as amended, and in Articles 11, 11A and 11B, Title 51, Code of Alabama, 1940, as amended; providing that the taxes levied in Sections 1 and 3 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Act No. 100, adopted by the 1959 Second Special Session of the Legislature of Alabama, approved August 18, 1959, as amended, except where inapplicable or where herein otherwise provided; providing that the taxes levied in Sections 2 and 4 of this Act shall be subject to all of the exemptions, definitions, proceedings, rules, regulations, requirements, provisions, penalties, fines, punishments and deductions set out in Articles 11, 11A and 11B of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, except where inapplicable or where herein otherwise provided; providing for the alternative collection of such taxes and the enforcement and administration of the Act by the State Department of Revenue if authorized and directed by the governing body of Lauderdale County; and further providing a procedure by which the governing body of Lauderdale County may discontinue availing itself of the alternative collection of such taxes and the enforcement of the Act by the State Department of Revenue after election to invoke such alternative collection and enforcement procedures has been made.

By Messrs. Hill and Flippo (with notice and proof):

H. 2232. To abolish the Lauderdale County Court; to provide for the transfer of cases now pending in said Lauderdale County Court to the court hereby created; to create and establish in Lauderdale County, Alabama, a court to be known as the District Court of Lauderdale Coun-

ty, defining its criminal and civil jurisdiction; providing it with officers, defining their powers, duties, compensation, term of office and the manner of their selection; regulating its procedures and process; prescribing costs and fees therein; to direct the county governing body to furnish quarters, books, forms, stationery, equipment and supplies requisite to the efficient function of the court.

By Messrs. Hill and Flippo:

H. 2272. To prescribe means, in addition to the giving of bail bonds, by which a person charged with an offense in counties having populations of not less than 65,500 nor more than 75,200, according to the most recent federal decennial census, regardless of his financial or social status, may give security for appearance in order to secure his release instead of being needlessly detained pending his appearance to answer charges, to testify, or pending appeal, when detention serves neither the ends of justice nor the public interest.

By Messrs. Hill and Flippo (with notice and proof):

H. 2178. Relating to the management of the public records of Lauderdale County; providing for the photographing or microphotographing of such public records and for the admissibility in evidence of photographed or microphotographed copies of records required to be kept by public officers of Lauderdale County, and for payment of the cost incurred in the purchase of photographic or microphotographic equipment; to authorize the photographing or microphotographing of old documents and records presently held as public records of Lauderdale County; to authorize the destruction of old documents not otherwise stored with the State Department of Archives and History.

By Mr. McCorquodale:

H. 2217. Relating to all counties having a population of not less than 26,000 nor more than 26,800 according to the most recent federal decennial census, providing that the Judge of Probate of said counties may elect to become exempt from the provisions of Act No. 606, S. 112, Regular Session 1969.

By Messrs. Porter and Chesnut:

H. 2211. Repealing Constitutional Amendment CLXXXIV, relating to the compensation of certain officers of DeKalb County; proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of DeKalb County.

(The above Bill, H. B. 2211, was read a second time at length as required by the Constitution.)

By Messrs. Williams, Porter and Chesnut:

H. 2213. To re-divide the state into judicial circuits so as to create a Thirty-eighth Judicial Circuit consisting of Jackson County and to create a new judgeship and a new district attorney's position.

By Mr. Headley (with notice and proof):

H. 2257. Relating to Chilton County; authorizing the county commission of said county to provide data processing, computerized services or other electronic systems, including microfilming equipment, for the offices of the probate judge, tax assessor and the tax collector; to provide for the manner of procuring such services and equipment and for the payment therefor from the county general fund; to provide that all contracts made pursuant to the provisions of this act shall be exempt

from any applicable statewide or local competitive bid law and shall be subject to the recommendation and approval of the probate judge of said county.

By Mr. Headley:

H. 2212. To further amend Section 1 of Act No. 186, H. B. 241, First Special Session 1964 (Acts 1964, p. 252), as amended, which act regulates the pay of jurors in any county having a population of not less than 25,150 nor more than 26,500 inhabitants according to the most recent federal decennial census, so as to further regulate the compensation of such jurors.

By Mr. Edwards:

H. 2223. To provide that the provisions of Act No. 403, H. 330, of the Regular Session of 1971 (Acts 1971, p. 689) which provides for the registration and licensing of barbers, barber apprentices and barber colleges, shall not apply in any counties in this state having populations of not less than 24,000 and not more than 24,800 according to the most recent federal decennial census.

By Mr. Stubbs:

H. 2202. To authorize the county governing body in each county having a population of not less than 37,000 nor more than 39,000 according to the most recent federal decennial census, to appropriate not more than \$1.00 per week per prisoner sentenced to hard labor in such counties as a weekly allowance for such prisoners.

By Mr. Stubbs:

H. 2219. To propose an amendment to the Constitution of Alabama that would authorize the governing body of Shelby County, Alabama to form districts within Shelby County for the establishment and maintenance of a system for fighting and preventing fires; for the collection and disposal of trash; for supplying water services; for the collection and treatment and disposal of sewage; for the operation of emergency medical services including ambulance services; and for other similar local type services; and to provide for the administration of such services within such districts including the levy and collection of charges for such services.

(The above Bill, H. B. 2219, was read a second time at length as required by the Constitution.)

By Mr. Stubbs:

H. 2271. To authorize the governing bodies of all counties having populations of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census, to form districts within their respective counties for the establishment and maintenance of a system for fighting and preventing fires, for the collection and disposal of trash, for supplying water services, for the collection and treatment and disposal of sewage, for the operation of emergency medical services including ambulance services, and for other similar local type services; and to provide for the administration of such services within such districts including the levy and collection of charges for such services.

By Mr. Stubbs:

H. 2220. Relating to counties having a population of not less than 36,500 nor more than 39,200 according to the most recent federal decennial census; authorizing the sheriff of any such county to temporarily

release certain prisoners held in the county jail for work at his discretion, and to provide for the allocation of all payment received by such prisoners for said work to the juvenile court of any such county.

By Messrs. Waldrop and Carnes:

H. 2076. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent federal decennial census; allowing establishments that presently have on premise licenses from the Alcoholic Beverage Control Board to sell draft beer without obtaining additional licenses.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1791, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor returning House Bill No. 1791, with a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON
Executive Secretary

Done this 28th day of August, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill Number 1791 without my approval and with a suggested Executive Amendment.

It is suggested that Section 2 be amended by striking the words "from the general funds of such counties" and after the word "payable" in Section 2, insert in lieu thereof the following words:

"from funds available to the County Board of Education."

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE
GOVERNOR

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1791, by a vote of Yeas 32, Nays 0, which was a majority of those voting.

And said Bill:

H. 1791. Relating to the boards of education in counties having populations of not less than 14,000 nor more than 15,000, according to the most recent federal decennial census, providing an expense allowance for the superintendents of such boards, and providing daily compensation for members of such boards when such boards meet officially to transact business.

As amended by the amendment proposed by His Excellency, the Governor, was again read and passed by a vote of Yeas 46, Nays 0, which was a majority of those voting.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Branyon, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1791, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Lindsey	Register	
Bailes	Fine	Littleton	Shelby	
Baker	Foshee	Melton	Vacca	
Branyon	Givhan	Noonan	Weaver	
Carr	Harris	Owen	Wilder	
Clark	Horne	Pierce	Wilson	
Cook	Jones			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1791, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Lindsey	Register	
Bailes	Fine	Littleton	Shelby	
Baker	Foshee	Melton	Vacca	
Branyon	Givhan	Noonan	Weaver	
Carr	Harris	Owen	Wilder	
Clark	Horne	Pierce	Wilson	
Cook	Jones			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 400. Relating to Morgan County; to declare the public policy with respect to Sunday business activities; to allow the county and municipal governing bodies to adopt rules and regulations and prescribe penalties for Sunday business activities.

by a vote of a majority of the whole number elected to the House, said vote being Yeas 74; Nays 0.

And said Bill, S. 400, as thus amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being Yeas 78, Nays 0.

And said Bill, S. 400, as thus amended by the Executive Amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1693, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor returning House Bill No. 1693, with a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON
Executive Secretary

August 28, 1973

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 1693 without my approval and with a suggested Executive Amendment.

It is suggested that in the title of the bill on the third line, following the word "allowance" insert the following words: "and salary".

Also, at the end of Section 1 of the bill insert the following as a part of such section:

"The allowance created shall terminate on the first Tuesday in January of the year 1975. On and after the first Tuesday in January of the year 1975 the annual salary of the judge of the county court of any such counties shall be Two Thousand Dollars (\$2,000.00) less than the annual base salary of circuit judges in this state, as set by statute, and shall be payable out of the general fund of the county in equal monthly installments."

Also, strike out in its entirety Section 2 of the bill and insert in lieu thereof the following:

"Section 2. All laws or parts of laws, general, local, or special, which conflict with this Act are repealed."

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE
Governor of Alabama

August 28, 1973

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1693, by a vote of Yeas 58, Nays 0, which was a majority of the whole number elected to the House.

And said Bill:

H. 1693. Relating to counties having populations of not less than 75,000 nor more than 90,000; providing for payment of expense allowance for the judges of the county courts of such counties.

As amended by the amendment proposed by His Excellency, the Governor, was again read and passed by a vote of Yeas 58, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Harris, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1693, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	O'Bannon
Bailes	Foshee	Lindsey	Pelham
Baker	Gilmore	Lybrand	Pierce
Carr	Givhan	McLain	Shelby
Cook	Harris	Malone	Vacca
Dominick	Hawkins	Noonan	Wilson
Edington	Jones		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1693, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	King	O'Bannon	
Bailes	Foshee	Lindsey	Pelham	
Baker	Gilmore	Lybrand	Pierce	
Carr	Givhan	McLain	Shelby	
Cook	Harris	Malone	Vacca	
Dominick	Hawkins	Noonan	Wilson	
Edington	Jones			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 807. To amend Section 1 of Act No. 37, H. 66 Organizational, Special and Regular Sessions 1971 (Acts 1971, p. 4170) as amended which applies in Shelby County, designating the number of employees authorized by the sheriff's department, compensation of such employees, and sheriff and residence requirements of such employees, and to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 807, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 807

Amend Section 1 of the bill by amending Section 1 (a) of the amended act by striking the number "3" in front of the word Matrons and inserting in lieu thereof the number 4.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce	
Bailes	Foshee	Malone	Register	
Branyon	Givhan	Melton	Shelby	
Clark	Horne	Noonan	Weaver	
Dominick	Jones	Owen	Wilder	
Dozier	Lindsey	Pelham	Wilson	
Edington	Littleton			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1732. To amend Section 6 of Act Number 1205, H. 1451, page 2246, Regular Session of the Legislature of Alabama 1969, approved September 13, 1969, entitled "An Act relating to Houston County providing for the establishment of a consolidated and unified system for assessment and collection of taxes under the supervision of an elected county official designated as county revenue commissioner, and repealing conflicting laws".

Also:

H. 1684. To alter the boundary lines of the City of Huntsville, Madison County, Alabama, so as to include within the corporate limits of said City, all territory described below.

Also:

H. 1880. To authorize the Etowah County Commission to provide for the relief of Mrs. Carolyn D. Thomas, widow of Deward W. Thomas, an employee of the county until his accidental death on February 16, 1972.

Also:

H. 1845. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; to impose certain additional privilege or license taxes upon the sale of malt or brewed beverages in certain areas of said counties, and to provide for the collection and distribution of said taxes.

Also:

H. 1747. To allow prospective jurors to be excused in capital cases outside the presence of the defendant in the Sixteenth Judicial Circuit of Alabama.

Also:

H. 1730. Relating to counties having a population of not less than 90,000 nor more than 100,000 according to the most recent or any subsequent Federal Decennial Census; to provide for the Clerk of Circuit Court in such Counties to collect Commission on Judgments, except on Garnishments, where the Judgments are collected by said Clerk after Ninety (90) days from the date of rendition.

Also:

H. 1746. To provide that a judge, or former judge, of the County Court of counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census may elect to become a supernumerary judge of said court under certain conditions; to provide for the duties, authority and compensation of any such supernumerary judge.

Also:

H. 1801. Relating to any county having a population of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to authorize the county governing body to provide an expense allowance for the deputy tax assessor, the deputy tax collector and the deputy circuit clerk of such county.

Also:

H. 1803. To further regulate the clerk hire allowance of the tax assessor and tax collector in all counties having populations of not less than 24,900 nor more than 25,150 according to the most recent federal decennial census; to repeal Act No. 1051, H. 1420, Regular Session 1971 (Acts 1971, p. 1900).

Also:

H. 1809. To amend Act No. 386, H. 960, Regular Session 1969 (Acts 1969, Regular Session, p. 794) so as to increase the compensation of the Judge of the Inferior Court of Geneva County.

Also:

H. 1807. Relating to the Geneva County Inferior Court; to provide further for the civil jurisdiction of said court.

Also:

H. 892. To amend Section 3 of Act No. 530, H. 1096, Regular Session 1959 (Acts 1959, p. 1305), so as to further provide for voter reidentification in all counties in the state having a population of 500,000 or more according to the last or any subsequent federal census.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1615. To apply to all counties having populations of 500,000 or more inhabitants according to the last or any subsequent federal decennial census; to provide and require that in the condemnation of lands for ways and rights of ways for sewer lines and water lines the value of any enhancement to the remaining lands of such owner or owners that such sewer line or water line may cause shall be applied to reduce or off-set the value of any land or right-of-way taken or damages to the remainder for the construction of such sewer line or water line.

Also:

H. 1621. To grant to any Civic Center Authority now or hereafter incorporated in any County having a population of more than 500,000, according to the last or any subsequent Federal census, organized under the provisions of Act No. 547, enacted by the Legislature of Alabama at its 1965 Regular Session and approved August 20, 1965 (Acts of 1965, pp. 797, et seq.) as amended, the power and authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds.

Also:

H. 1780. To amend Section 2 of Act No. 965, H. 1396, Regular Session 1969 (Acts 1969, p. 1710) which provides for the salary of the Register of the Circuit Court in all counties having a population of 600,000 or more according to the last or any succeeding federal census; so as to further provide for such salary.

Also:

H. 1868. To empower industrial development boards organized (under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended) in any municipality located (in whole or in part) in any county having a population of 600,000 or more, according to the last or any subsequent Federal decennial census, to acquire (by construction of otherwise), enlarge, improve, replace, own, lease, dispose of and grant options for the purchase of facilities and properties (whether real or personal or both) designed or suitable for use both as data processing and computer centers and as national or regional headquarters for the business or businesses owning or operating such data processing centers.

Also:

H. 1886. To provide for the appointment by the Deputy District Attorney for the Bessemer Division of Jefferson County of an Assistant Deputy District Attorney to prosecute cases in the County Court for the Bessemer Division of Jefferson County and to provide the compensation of said Assistant Deputy District Attorney and to provide for the payment of the same and to provide the date when said Act shall go into effect.

Also:

H. 1824. To amend Sections 5.01, 5.02, and 5.10 of Act No. 452 of the 1955 Regular Session of the Legislature of Alabama (Acts of Alabama 1955, page 1004, et seq.), entitled, as amended: "To provide a form of municipal government to be known as the Mayor-Council form of government, which may be adopted by any city in the State of Alabama having a population of more than 300,000 according to the last or any succeeding Federal or municipal census; to provide the method by which any such city may adopt the Mayor-Council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the Mayor-Council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the election, term, qualifications and compensation of a Mayor and for the filling of vacancies in the office of Mayor and to provide the duties and authority of the Mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the Mayor-Council form of government; to make various other provisions for any such city which adopts the Mayor-Council form of government and for the government thereof; and to provide for the means of abandoning the Mayor-Council form of government and the adoption by the city of other forms of municipal government in lieu thereof."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote

of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1556. To amend further Act No. 56, H. 285, Regular Session, 1953 (Acts 1953, p. 76), as heretofore amended, an Act levying additional privilege and license taxes in Tuscaloosa County; so as to redefine terms relating to hospital boards and to prescribe the manner of determining the distribution of the proceeds of the tax allocated for hospital purposes.

Also:

H. 1445. To amend Section 8 of Act No. 25, H. 18, Second Special Session 1971 (1971 Acts, p. 4151), an act creating and establishing an Inferior Court in Dale County, Alabama, so as to provide further for certain fees and costs of court.

Also:

H. 1654. To alter, rearrange and extend the boundary lines of the town of Woodville, Jackson County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Jackson County, Alabama.

Also:

H. 1779. Relating to all counties having a population of not less than 38,100 nor more than 40,500, according to the most recent federal decennial census; authorizing and providing for the establishment, maintenance, operation, control and financing of a public law library for the county.

Also:

H. 1888. To require that all district attorney's fees taxed and collected in all reciprocal support cases in the Twenty-Third Judicial Circuit shall be paid into the District Attorney's Fund of the county composing such circuit.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1916. To establish a Salary Commission for the employees of the office of the Clerk of the Circuit Court of Marshall County and of the office of the Register of the Circuit Court of Marshall County, to provide for the membership of such Salary Commission, to define its powers and duties, and to define the duties of the Clerk of the Circuit Court of Marshall County and of the Register of the Circuit Court of Marshall County with reference to such Commission, and the duties of the Marshall County Commission with reference to such Salary Commission.

Also:

H. 1362. Applying to Cullman County; to increase the expense allowance of certain county officers.

Also:

H. 1485. Relating to the twenty-seventh judicial circuit; to provide for an expense allowance of \$3,600.00 per year to the district attorney of said judicial circuit to be supplemented by any county located in said district, in addition to any regular compensation.

Also:

H. 1836. To fix the salary for the County Solicitor (Deputy District Attorney) of Geneva County.

Also:

H. 1828. To prohibit, in any county having a population of 600,000 or more according to the most recent federal decennial census, the occupancy of any building or structure any part of which is situated upon real property which abuts or joins that part of a street, alley, public way or right of way within which is situated pipes or mains of an approved public water supply system and which is not directly connected to water mains or pipes of an approved public water supply system; and to prohibit, in such counties, the sale or distribution of insanitary, impure or unwholesome water.

Also:

H. 1901. Relating to all counties having populations of not less than 500,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Also:

H. 401. To amend Act No. 880, H. 675 of the Regular Session of 1965 which applies in all counties having populations of 60,000 or more according to the 1960 federal decennial census and special courts where probation services for juvenile delinquents is not now provided by the Department of Pensions and Security and regulates the expenditure of state and county funds to pay for the cost of the salaries of juvenile court probation officers in such counties, and makes an appropriation therefor, amending such Act so as to make such Act apply to counties having populations of 59,000 or more according to the most recent federal decennial census.

Also:

H. 411. To fix the salary of the Tax Assessor of Mobile County and to regulate the payment thereof.

Also:

H. 273. To amend Act No. 111, H. 419, Regular Session 1955 (Acts of Alabama 1955 p. 356) Entitled "An Act To Fix the salary of the tax collector of Mobile County, and to regulate the payment thereof," and to repeal conflicting laws.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 292. To prohibit a limit on the number of times that a person, otherwise qualified, may take the Alabama Bar Examination.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1818. To provide an expense allowance for each circuit judge of the Twenty-third Judicial Circuit; to repeal Section 4 of Act No. 232, H. 253, Second Special Session 1971 (Acts 1971, p. 4501).

Also:

H. 1596. Relating to counties with a population of not less than 57,000 nor more than 61,000; prohibiting operation of vehicles upon coastal sand dunes located 50 feet or further from the water line without written permission of the landowner; providing punishment for violation of this act.

Also:

H. 1575. Relating to inferior court judges of Jefferson County; authorizing such judges to elect to assume supernumerary status; prescribing the procedure for such election, and prescribing qualifications and conditions necessary for such judges to become supernumeraries; providing for their compensation, and repealing conflicting laws.

Also:

H. 1706. Relating to Bibb County; to amend Act No. 866, H. 1194, Regular Session 1969 (Acts 1969, p. 1577), which act provides for compensation of the sheriff, appointment of deputies, secretaries and jailors, so as to further provide for the salaries of certain members of the sheriff's staff and to provide an additional deputy for said sheriff.

Also:

H. 1400. To alter, rearrange and extend the boundary lines and corporate limits of the Town of Springville in St. Clair County.

Also:

H. 1456. To amend the Title and Section 1 of Act No. 77 of the First Special Session 1964, providing for and fixing an allowance for expenses for the mayor or other chief executive officer of any city having a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census.

Also:

H. 1752. To amend Section 94, Subsection (1) of Title 51, Code of Alabama 1940, as heretofore amended, which fixes the term of service and compensation of members of the Board of Equalization and Adjustments, in those counties in which the total assessed value of all taxable property, using the year 1955 as the basis, exceeds six hundred million dollars (\$600,000,000).

Also:

H. 1671. To create the office of commissioner of licenses in Houston County, Alabama, to provide for a more convenient and efficient method for the issuance of all licenses except marriage license, to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him, to amend Chapter 20, Title 51, Code of Alabama 1940, to transfer to such officer the duties of the probate judge relative to the issuance of all licenses, except marriage licenses, and the distribution of motor vehicles licenses tags, relative to assessing and collecting ad valorem taxes on motor vehicles, and repeal Section 835, Title 51, Code of Alabama 1940, to transfer to the commissioner of licenses the duties of the license inspector of such county, and to set out the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed and repealing conflicting laws.

Also:

H. 1817. To authorize and establish in Madison County, Alabama, the office of Warrant Magistrate; to provide for the appointment of a warrant magistrate and assistant warrant magistrates; to provide for the qualifications of persons holding such offices, duties of said offices and the compensation and method of payment for same; to repeal conflicting laws.

Also:

H. 1843. Relating to any county having a population of not less than 90,000 nor more than 100,000 according to the last or any subsequent federal decennial census, providing for cost of living raises for county employees and an allowance for county officers.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 314. Relating to motor vehicles: To provide means for the recovery of stolen motor vehicles by requiring the registration of ownership of and liens upon motor vehicles with the State Department of Revenue; to provide for and regulate the issuance of certificates of title and the notation thereon of liens; to require the maintenance of records relative to certificates of title and notations of liens thereon; to grant certain powers and authority to and impose certain duties on the State Department of Revenue and to impose penalties for violations of this Act; to appropriate funds to be used in the administrations of this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING

The Bill:

S. 944. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Vestavia Hills, Jefferson County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Harris	McLain	Register
Bailes	Hawkins	Noonan	Shelby
Clark	Horne	O'Bannon	Vacca
Cook	Jones	Owen	Weaver
Dominick	King	Pelham	Wilder
Edington	Lindsey	Pierce	Wilson
Gilmore	Lybrand		

—25

Nays:

—0

The Bill:

H. 619. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959, (Ala.

Acts, 1959, p. 1376) as amended by Act No. 991 of the Regular Session of the Legislature of Alabama of 1971, approved September 7, 1971 (Ala. Acts, 1971, p. 1783), and amended by Act No. 1576 of the Regular Session of the Legislature of Alabama of 1971, approved September 17, 1971 (Ala. Acts, 1971 p. 2692), which Act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts 1951, p. 1579) as amended, which 1951 Act established a pension system for officers and employees of each city of the state having a population of 250,000 or more, according to the latest or any subsequent Federal census.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 619, to-wit:

SUBSTITUTE FOR H. B. 619

A BILL TO BE ENTITLED AN ACT

To further amend Subsection (a) of Section 4 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376 et seq.) as heretofore amended, which act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts, 1951, p. 1579 et seq.) as amended, which 1951 Act established a pension system for officers and employees of each city of the state having a population of 250,000 or more, according to the last or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. That Subsection (a) of Section 4 of Act No. 556, of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376) as heretofore amended, be and the same is hereby amended to read as follows:

"Section 4. (a) Board of Managers. There shall be a Board of Managers of three members for the administration, management and control of the Supplemental Pension System, including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the President of the governing body of the city, who shall be Chairman of the Board, and two associate members, designated respectively as 'Member No. 1' and 'Member No. 2'. Member No. 1 shall be appointed by the Personnel Board. Member No. 1 shall be a person who at the time of his appointment is, and for a period of five consecutive years immediately preceding his appointment has been, an officer of, or the occupant of an executive position with, an insurance company issuing annuity policies and policies of disability insurance, the principal place of business of which insurance company is located within the city; provided, however, that if any such person is not available, the Personnel Board in appointing Member No. 1 shall select from the persons available that person who in the opinion of the Personnel Board is best qualified to discharge the duties of a member of the Board of Managers. Member No. 2 shall be elected from employees belonging to the Supplemental Pension System at an election

to be held within sixty days from the date on which this Act becomes effective. The employee receiving a plurality of votes at the election shall be elected. At the first election to be held hereunder employees belonging to the System may vote for a fireman or policeman to hold the position to be occupied by Member No. 2 on the Board. In any election subsequent to the first election employees voting in such subsequent election shall not vote for any member of the System belonging to the same department (that is fire department or police department; as the case may be) to which the person last elected Member No. 2 for a full term belonged at the time of his election. The purpose of the next preceding sentence is to rotate Member No. 2 between the fire department and the police department of the city. The governing body of the city shall have the authority to prescribe rules and regulations concerning the notice of and conduct of the election to select Member No. 2. Member No. 1 and Member No. 2 shall hold office for a period of four years, with the first term for both commencing on the date on which the first Member No. 1 and the first Member No. 2 have both been selected.

If the commencement of the actual operation of the system hereby established is delayed, or deferred, as a consequence of the validity of this Act being called in to question in litigation the four year terms of Member No. 1 and Member No. 2 shall not be deemed to begin until the litigation is terminated.

The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any two members of the Board, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board provided the Secretary shall be present and record the proceeding of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman, or such other place as the Board may designate."

The personnel director shall be secretary of the Board and shall be present at every meeting of the Board, and keep a record of all proceedings of the Board and of all orders and decisions of the Board. Neither the secretary nor any member of the Board shall receive any salary or compensation for his services as such except Member No. 1, who shall receive ten dollars for each meeting attended, but not more than twenty dollars for meetings attended in any calendar month. Two members of the Board, when assembled in either regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the

fund, shall have sole and exclusive authority to invest its funds, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinafter referred to and in bonds of the United States, the State of Alabama and any municipality of Alabama, and in bonds of corporations organized under Federal laws or under the laws of any State of the United States; provided, however, that no funds shall be invested in bonds, or common or preferred stocks and stocks of private corporations unless such bonds are listed upon exchanges subject to the jurisdiction of the Securities and Exchange Commission, and the aggregate par value of the funds invested in such bonds or common or preferred stocks and stocks of corporations last referred to above shall not exceed fifty (50%) per cent of the par value of all investments of the fund exclusive of loans to members. In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance or misfeasance in office or habitual neglect of duty. From the fund of the system created by this Act the Board of Managers shall pay to the fund of the General Retirement and Relief System the amounts hereinabove specified. When any fireman or policeman retires on length of service, as is hereinafter provided for in Section 8, the Board of Managers of this system shall pay from the fund of this system the amount specified in the next succeeding sentence during each month between the date on which such fireman or policeman retired and the date on which he would have been entitled to receive a retirement allowance from the General Retirement and Relief System for thirty years service had he not retired, but had continued to serve without interruption as a member of the General Retirement and Relief System until entitled to receive from said last named system a retirement pension based on thirty years service. During the period specified in the next preceding sentence the Board of Managers created by this Act shall pay each month to the fund of the said General Retirement and Relief System the amount which the City would have deducted from the salary of such fireman or policeman and would have paid into the fund of the General Retirement and Relief System had such fireman or policeman continued to be employed by the City during the period specified in the next preceding sentence at the same salary from which the deductions were made by the City at the time he retired under Section 8 of this Act; provided, however, that if such fireman or policeman dies during the said period the same payments shall cease upon his death.

At least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall consider the cost of each of the said benefits separately and severally. If the actuary concludes that any reduction in benefits is necessary in order to assure the solvency of the fund, then in his report he shall include his recommendations as to what reductions should be made, to the end that the said Board may make such reductions in benefits as may be required to assure the solvency of the said fund. It is expressly provided that no claim for any benefit provided for by this Act shall be an obligation against the city, or the General Retirement and Relief System, it being the intention and purpose of this Act that the only funds out of which the benefits provided for by this Act will be paid shall be the fund of this pension system which said system is established upon the petition of the firemen and policemen belonging to the said system, with the

express understanding on their part that the firemen and policemen and the dependents of firemen and policemen claiming benefits hereunder shall look only to the fund hereby created for the payment of benefits provided and with the full understanding upon the part of said firemen and policemen that the benefits provided for hereby will be reduced if reduction thereof is required in order to assure the solvency of the said fund. The said actuarial report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary. After the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to the members of the House of Representatives and the Senate designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama. The Board of Managers shall have authority to secure other actuarial studies, investigations and reports at such other times as may seem proper to the Board. From the fund of the system the Board of Managers shall pay the cost of securing any such actuarial reports, surveys or investigations."

Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Baker	Givhan	Malone	Register	
Carr	Harris	Melton	Vacca	
Cook	Hawkins	Noonan	Weaver	
Dominick	Jones	O'Bannon	Wilson	
Dozier	King			—25

Nays: —0

And said Bill, H. B. 619, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Baker	Givhan	Malone	Register	
Carr	Harris	Melton	Vacca	
Cook	Hawkins	Noonan	Weaver	
Dominick	Jones	O'Bannon	Wilson	
Dozier	King			—25

Nays: —0

The Bill:

H. 620. To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq) entitled as amended "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the most recent federal decennial census a pension and relief or retirement and relief system for officers and employees of

such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority to any county in which any such city may be located."

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 620, to-wit:

LOCAL LEGISLATION # 2 COMMITTEE SUBSTITUTE FOR H. B. 620

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq) entitled as amended "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.) entitled as amended: "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969 to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located," be and said Act is hereby amended to read as follows:

"ARTICLE I
ESTABLISHMENT OF PLAN

Section 1. Derivation and application. The provisions of this act are derived in part from one or more of Act No. 24 of the extra session of the legislature of 1936-1937, approved January 26, 1937 (Acts of 1936-37, page 20); Act No. 512 of the regular session of the legislature of 1939, approved September 21, 1939 (Acts 1939, page 795); Subdivision 10 of Article 16 of Chapter 4 of Title 62 of the 1940 Code of Alabama (Title 62, page 322); Act No. 334 of the regular session of the legislature of 1945, approved July 6, 1945 (Loc. Acts 1945, page 144); Act No. 237 of the regular session of the legislature of 1947, approved August 4, 1947 (Loc. Acts 1947, page 144); and Act No. 470 of the regular session of the legislature of 1949, approved August 25, 1949; but nothing in the derivation of provisions of this act or in the above statement of derivation shall be construed to render this act other than an act original in form. This act shall apply to cities which have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and shall not apply to any city of a lesser population according to such census.

Section 2. Retrospective Operation. The articles and sections of this act comprise a retirement and relief system for officers and employees of each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and, subject to the provisos hereinafter in this section contained, said articles and sections comprising such system for such officers and employees of each such city, shall be read, construed and have retrospective operation and effect as though enacted on the 26th day of January, 1937. Consistently, and subject to said provisos, every act, proceeding and transaction heretofore had, done, accomplished or attempted under or under color of any statute described in Section 1 shall be construed and deemed an act had, done, accomplished or attempted under the system, and the validity and effect thereof so measured and governed, and without limiting the generality of the foregoing, but still subject to said provisos, every contribution, return of contributions, refund, loan, investment, receipt, disbursement, debt, liability, contract, transaction and business to, from, of, with or affecting the pension and relief fund under any statute described in Section 1 or color thereof shall be construed and deemed as a contribution, return of contribution, refund, loan, investment, receipt, disbursement, debt, liability, contract, transaction or business to, from, of, with or affecting the retirement and relief fund under the system. The foregoing provisions of this section shall be subject to the following provisos: (a) Any sentence of the system which contains the phrase "September 19, 1939" shall be read, construed and have operation and effect as though enacted for the first time on September 19, 1939. (b) Any sentence of the system which contains the phrase "July 1, 1945," shall be read, construed and have operation and effect as though enacted for the first time at July 1, 1945. (c). The legal effect of any payment heretofore made by any pension and relief or retirement and relief fund referred to in this act shall be measured by the law as it actually existed at the time of such payment, and any debt or liability, whether for return of contributions or otherwise, discharged by any such payment shall not be revived by anything contained in the system and shall not constitute the basis of any claim under the system against the retirement and relief fund provided for in this act. (d). The rights of any person who shall retire hereafter or who shall have retired heretofore from the service of his municipal employer, either voluntarily or involuntarily, and who shall be or shall have been allowed retirement benefits under the statute or system actually in existence at the time of

such retirement shall, during continuance of such retirement, continue to be measured and governed by the terms of the statute or the system so in existence at the time of such retirement, and should such person die during continuance of such retirement the rights of any widow of such person shall be measured and governed by the terms of the statute or of the system in effect at the time of death of such person, and the retirement and relief fund provided as a part of the system shall secure such rights of such person and such widow. (e). Except as otherwise expressly provided in this section or in the system, the rights of any person who may or may have become separated from the service, and the rights of any privies of such person, shall be measured and governed by the statutes or of the system in effect at the time of such separation.

Section 3. Purpose of the System. The general purpose of the system embraced in the articles and sections of this act is the governmental one of promoting efficiency of employees in the service by partially relieving their minds of harassing fear of the consequences of loss of employment through disability, old age and otherwise and by furnishing trained employees a partial incentive to remain in the service during their years of presumptively increasing efficiency and a partial incentive to voluntarily retire and be replaced during their years of presumptively declining efficiency.

ARTICLE II

DEFINITIONS

Section 1. DEFINITIONS. The following words, terms and phrases, wherever used in this Act, including this section, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended:

"The City." This term shall mean and have reference to each such city, separately, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

"The Board of Health." The county board of health whose territorial jurisdiction includes the territory of the city.

"The system." The system provided by and comprised within the articles and sections of this Act, and such system shall be the system applicable in and for each such city, individually, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

"Date of establishment." Date of establishment of the system for a city. The date of establishment of the system for each city which has a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this Act shall be deemed September 1, 1937. The date of establishment of the system for each such city as does not have a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this Act, but which may have such a population according to any federal census succeeding the passage of this Act, shall be deemed the date upon which such city first reaches such population according to succeeding federal census.

"The fund." The retirement and relief fund provided for as a part of the system, and shall include assets in the form of money and in other forms.

"Employer." The City.

"Employee." A person between whom and the city there exists the technical relationship of employer and employee, whether such person be employed through the principal governing body of the city or through a subsidiary body such as a park board.

"Qualified Employee." Any person who on or before the date of establishment is employed by the City as a full time employee in a job other than as

a) an officer elected by the people;

b) a common laborer;

c) a member of the library, museum, park, zoning adjustment boards or similar boards with active duty on an intermittent basis (i.e., not regularly upon successive business days).

"Fire and Police Employee." Any person who, on or after the effective date of this Plan, is employed by the City as a full time fireman or policeman.

"Full Time Employee." A salaried employee who is normally scheduled to work sixteen (16) days per month or more.

"Participant." A qualified employee who participates in the System under Article IV hereof.

"Employee member." A person who is simultaneously a qualified employee and a participant.

"In the service." In the service of the city. A person shall be deemed in the service of the city while the technical relationship of employer and employee subsists between him and the city.

"In the classified service." In the classified service as defined in any civil service statute or rule now or hereafter applicable to the city, and for the purposes of this Act only shall include full time recorders, regularly assigned to the trial of cases.

"Effective Date." The date of establishment.

"Anniversary Date." The date of establishment and the month and day thereof annually thereafter.

"Fiscal Year." The accounting year of the System which shall run from each September 1 through the August 31 next following.

"Past Service Credit" or "Prior Service Time." The credit given a Participant for employment with the City prior to the Effective Date except for such period of time for which the employee received no pay from the City.

"Future Service Credit" or "Paid Membership Time." The credit given a Participant for employment with the City subsequent to the Effective Date for which he shall have made contributions to the Fund through payroll deductions or direct payments where authorized.

"Basic Monthly Earnings" and "Monthly Salary." Basic monthly compensation exclusive of overtime pay but including longevity pay.

"Final Average Salary." The total of the four (4) consecutive years of highest basic annual earnings after the Effective Date of this Plan divided by forty-eight (48) months.

"Total Covered Payroll." The total of the basic annual salaries plus

annualized longevity pay, but excluding overtime or other forms of extra compensation, of all Participants in the System at any point in time.

"Payroll Period." A period of time for which a payment of salary is ordinarily made with respect to a qualified employee.

"Board of Managers." The administrative board of the System as provided in ARTICLE III hereof.

"The Board." The Board of Managers as herein provided.

"The City Comptroller." The employee of the City whose duties are those of treasurer or chief financial officer.

"The custodian." The custodian of the fund.

"The Personnel Director." The Personnel Director provided for the city by statute or, if there be no such Personnel Director, the City Clerk, the custodian, or another, as the Board may determine.

"Council" or "City Council." The Governing body of the City.

"Clerk" or "City Clerk." The City Clerk of the City.

"The County." The County in which the City is located and if the City is located in more than one county, then that County in which the major portion of larger part of the City is located.

"Civil Defense Agency." Any public organization, agency, or authority organized or existing pursuant to state law and exercising Civil Defense Functions within the city or within the city and elsewhere in the county.

"Civic Center" or "Civic Center Authority." Any public corporation, authority or agency organized pursuant to State Law for the purpose of providing, constructing, operating, and maintaining a Civic Center in the County in which the City is located or in the City.

"Retiree." A former Participant who has been granted a retirement allowance or a disability allowance by the Board.

"Credited Service" or "Creditable Time." The credited service or creditable time of a Participant or employee member shall include all his paid membership time and all of his prior service time.

"Mayor." The Mayor or Chief Executive Officer of the City.

"The Personnel Board." The Board of Control of any Civil Service System provided for the City by statute or, if at any time there be no such Board of Control, then the Governing Body of the City.

Widow shall include Widower, spouse shall mean either husband or wife, Policeman shall include Policewoman, and Fireman shall include a female employed in the position of a fireman.

Words written in the "singular" shall include the "plural," words in the "plural" shall include the "singular," words of the masculine gender shall include the feminine gender and words of the feminine gender shall include the masculine gender unless the context shall clearly and absolutely indicate a restrictive meaning.

ARTICLE III ADMINISTRATION OF PLAN

Section 1. Board of Managers.

The System shall be administered by a Board of Managers consisting of five (5) members as follows:

- (1) The Mayor of the City, who shall serve as Chairman;
- (2) A member appointed by the Personnel Board of the City;
- (3) A Participant in the System who shall be elected by the Participants in the System;
- (4) A member appointed by the Mayor;
- (5) A person who is not a Participant in the System who shall be elected by the Participants in the System.

Section 2. Method of Selection and Term of Appointment of Board Members.

The members of the Board of Managers, other than the Mayor who shall always serve as Chairman, shall be selected and shall serve for the term as hereafter set forth.

(1) The member appointed by the Personnel Board shall be a bona fide resident and qualified voter of the City and shall serve a four (4) year term. Should said appointed member die, resign or otherwise be unable to serve, the vacancy thus created shall be filled by the Personnel Board for the unexpired term.

(2) The first of the two members elected by the Participants in the System shall himself be a Participant in the System and shall be a bona fide resident and qualified voter of the City. In order to assure representation of all Participants in the System, if the person first elected is a member of the Fire Department or Police Department, the Participant elected to fill the next term shall be a Participant who is not an employee of the Fire Department or Police Department. Similarly, if the first member thus elected should not be an employee of the Fire Department or Police Department, the Participant elected to fill the next term shall be a Participant who is an employee of the Fire Department or Police Department. Thereafter this member shall alternate between the two groups (i.e., Fire Department or Police Department and other than the Fire Department or Police Department). In the event the Participant thus elected shall die, resign or otherwise be unable to serve, the Participant elected to fill the unexpired term shall be from the same group as was the Participant whose term as a member of the Board of Managers was vacated.

This Participant-member of the Board shall be elected by secret ballot to serve a term of four (4) years commencing on the day the result of the election is declared. The Council shall have the authority to prescribe and to change rules and regulations concerning the election of said Participant-member provided that the rules and regulations as prescribed or changed are not inconsistent with this Act.

(3) The member appointed by the Mayor shall have more than ten (10) years' experience in an executive capacity in insurance, actuarial, investment or banking work, shall be a bona fide resident and qualified voter of the County and shall serve for a four (4) year term.

(4) The second member elected by the Participants in the System shall not be a Participant in this System, shall have more than ten (10) years' experience in an executive capacity in insurance, actuarial, investment or banking work and shall be a bona fide resident and qualified voter of the county.

This non-Participant member of the Board shall be elected by secret ballot to serve a term of four (4) years. The election shall be called by the Council after (30) days' notice. Nominations of persons to fill this position shall be made in writing by Participants in this System

and shall be filed with the Council and the City Clerk of the City no less than ten (10) days prior to the date of the election.

In the event of a vacancy occurring during a term of this member of the Board of Managers, a replacement shall be elected by Participants in this System in the same manner as that set forth in this sub-section (4).

Section 3. Meetings of the Board of Managers.

The Board of Managers shall meet on the second Wednesday in each calendar month in the office of the Chairman or such other place as the Board may designate; provided, however, that the Board shall not be required to meet unless there is pending before the Board an application for a pension, relief or benefit or unless there is pending some other matter of consideration by the Board. The Board of Managers by virtue of a resolution adopted by it may change the regular meeting from Wednesday to such other date as may be most convenient to the Board.

Section 4. Special Meetings of the Board of Managers.

Any three Board members, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board; provided, however, the Secretary must be present and record the proceedings of the special meeting as hereinafter provided.

Section 5. Secretary of the Board.

The Personnel Director shall be Secretary of the Board and shall be present at every meeting of the Board and keep a record of all proceedings of the Board and of all orders and decisions of the Board.

Section 6. Quorum.

Three members of the Board, when assembled either in regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board and the affirmative vote of three members shall be necessary and sufficient to pass any motion or resolution.

Section 7. Compensation of Members of the Board.

The member of the Board of Managers appointed by the Personnel Board, the member of the Board of Managers appointed by the Mayor and the non-participant member of the Board of Managers elected by the Participants in the System shall receive Ten Dollars (\$10) for each meeting attended but in no event shall receive more than Twenty Dollars (\$20) for all meetings attended in any one calendar month. No other member of the Board nor the Secretary shall receive any compensation whatever for so serving.

Section 8. Powers and Duties of the Board.

The Board shall have such powers as are necessary for the proper administration of the System including, but not limited to, the following:

- (1) To prescribe procedures to be followed by Participants, and their beneficiaries, in filing applications for benefits and for the furnishing of evidence necessary to establish employees' rights to such benefits;

- (2) To make determinations as to the rights of any Participant or their beneficiaries applying for or receiving benefits, and to afford any such individual dissatisfied with any such determination the right of a hearing thereon;

- (3) To develop procedures for the establishment of Credited Serv-

ice of Participants, and, after affording Participants an opportunity to make objection with respect thereto, to establish such service conclusively in advance of retirement;

(4) To retain and pay from the fund for the services of a consultant and actuary;

(5) To receive and pay from the fund for periodic (not more often than once a year) actuarial valuations of the Plan;

(6) To retain and pay for from the fund the services of an investment advisor.

(7) To retain and pay for from the fund the services of an accountant or auditor;

(8) To obtain from the City the Plan consultants and actuaries, if any, and from the Participants such information as shall be necessary for the proper administration of the Plan and pay from the fund any reasonable expense incurred in connection therewith;

(9) To retain and pay for from the fund the services of such additional professional counsel as the Board may deem necessary for the proper management and administration of the System.

Any member of the Board may serve beyond his term until a successor is appointed or elected. Any member of the Board may be removed by impeachment for corruption, malfeasance in office, or for habitual neglect of duty.

Section 9. The Fund and its Investment.

(a) The fund shall include all assets of the fund in any form, and the city comptroller shall be, ex officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of fifty thousand dollars (\$50,000), payable to the Board and conditioned for faithful performance of his duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the Board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board shall select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations, or legacies for the fund, and to administer same as may be directed by the donors. In the adjudication

of claims against the fund, the records of the city comptroller and custodian made and kept for the purpose of this act shall be deemed *prima facie*, to speak the truth.

(b) The Board of Managers shall have the sole and absolute discretion if they deem it advisable to invest, reinvest and have invested and reinvested all funds of the System, real and personal subject to the limitations herein provided. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States Government, or general obligation bonds of the State of Alabama, or general obligation bonds of any municipality or county of the State of Alabama, or in Federal Savings and Loan Associations, or in other corporations having Federal Savings and Loan Association's guarantee, or in bonds or common or preferred stock of corporations organized under Federal laws or the laws of any State of the United States, or may invest in certificates of deposit or bonds issued by banks organized under Federal laws or under laws of the State of Alabama; provided, however, that not more than ten thousand dollars shall be invested in any one Federal Savings and Loan Association, or in any one corporation having Federal Savings and Loan Association's guarantee; and provided, further, that no funds shall be invested in bonds or common or preferred stock of private corporations unless such bonds or common or preferred stock are listed upon Exchanges subject to the jurisdiction of the Securities and Exchange Commission and the aggregate value of the funds invested in such bonds and stocks of corporations last referred to above shall not exceed fifty per cent (50%) of all the funds available in the system for investments, nor shall the total investment in common or preferred stocks of such corporations exceed twenty-five per cent (25%) of all the funds available in the system for investments.

Section 10. Legislative Reports.

In addition to periodic actuarial valuations of the Fund which the Board may from time to time require, the Board shall, prior to the first day of March of every uneven year, transmit to each member of the Alabama House of Representatives representing the County or any part thereof, and to each member of the Alabama Senate from every Senatorial District within the County or partly within the County an actuarial analysis of the System as of the end of the City's fiscal year immediately preceding said report specifically answering the following questions:

(1) Are the contributions to the Fund sufficient to pay the benefits provided herein? If not, what additional contributions are necessary?

(2) Are the benefits provided herein sufficient in amount to consume the contributions required herein, or are they as large as to render the Fund insolvent; and in the event of the finding of either contingency, what adjustments should be made?

(3) What provision should be made either in contributions by employees or by the City to render the Fund solvent with respect to allowances made for prior service?

In addition to the foregoing, the Board of Managers shall transmit to said Representatives and Senators the following:

(1) A draft of such laws as the Board deems necessary to keep or

make the Fund actuarially solvent, and of such laws as the Board believes would improve the Pension System; and

(2) A recital of the reasons for the recommendation of the proposed laws; detailed and specific recommendations as to what benefits should be reduced, or what additional contributions should be made, to the end that the Fund will be solvent, safe and sound for the protection of the employees covered thereby.

Section 11. Appeal of Decisions of the Board.

Any decision of the Board denying a benefit claimed may be subject to review by the Circuit Court, in the manner and subject to the limitations, herein provided. An employee may secure a review of such decision of the Board by mandamus proceedings in the Circuit Court, which he shall institute in said Court by filing therein a petition for mandamus. Said petition may designate the Board as respondent or the members thereof as respondents. Each respondent shall be served with process, unless such respondent or his or its attorney accepts service.

The petition for mandamus shall be barred if it is not filed within ninety (90) days from the date whereon the Board of Managers makes its final decision on the benefit claimed, provided written notice of such final decision of the Board shall be given by certified or registered mail, postage prepaid, and properly addressed, to the claimant or his attorney within ten (10) days after such final decision of the Board. If timely notice shall not be given as provided in the last preceding sentence, claimant shall not be barred from filing mandamus until the expiration of eighty (80) days from the mailing of notice as above provided; but in no event anything therein to the contrary notwithstanding shall said mandamus be filed after one year from the date of such final decision of the Board; provided further that no such final decision made by the said Board prior to January 1, 1969, shall be subject to review by mandamus or otherwise unless permitted by the law in effect at the time such decision was made and then only in the manner permitted by said law in effect on said date; provided further that any such final decision made by the Board after January 1, 1969, and prior to the effective date of this Act shall be governed by the eighty (80) days clause of the last preceding sentence, but in such case such mandamus proceeding shall not be filed after one year from the effective date of this Act.

In the proceedings in the Circuit Court any evidence relevant on any issue involved in the review shall be admissible, subject to the ordinary rules of evidence.

If the submission in the mandamus proceedings is solely upon the proceedings before the Board, the decision of the Board upon all matters of fact shall be final and conclusive, unless it affirmatively appears that its decision is plainly and manifestly wrong.

If in the Circuit Court evidence is received, in addition to that considered by the Board, the decision of the Board upon all matters of fact shall, nevertheless, be final and conclusive, except to the extent limited by the next following sentence. If the Circuit Court after hearing all the evidence offered determines that had the decision rendered by the Board been rendered after hearing such evidence that such decision would not have been manifestly wrong, then the Circuit Court shall sustain the decision of the Board, and if the Circuit Court, after considering all the evidence, determines that the decision rendered by the Board would have been manifestly wrong had such decision been rendered after considering all the evidence considered by the Circuit Court, then in that event the Circuit Court shall render the decision which that Court concludes should be rendered on all the evidence considered by that Court. The provision of Section 8 of ARTICLE VI prohibiting a resolution of

the Board allowing an extraordinary disability benefit unless such resolution be passed within twelve (12) months after the accident resulting in disability shall not be construed to prohibit the Circuit Court in a mandamus proceeding from rendering a judgment in favor of the claimant for extraordinary benefits even where the Circuit Court shall direct the Board to adopt a resolution in favor of the claimant in compliance with such judgment of the Circuit Court.

Section 12. Repeal and Amendment Reservation.

The Legislature reserves the power to amend, alter or repeal this act, provided, however, that if any person who may be entitled to voluntarily retire and obtain a retirement allowance under this act shall so voluntarily retire before exercise of said reserved power he shall have a contractual lien upon the Fund for each and every amount to which he may be or become entitled in accordance with the terms of the law existing at the time of such voluntary retirement, and provided, further, that if any employee member becomes totally disabled before exercise of said reserved power, he shall have a contractual lien upon the Fund for each and every amount to which he may be or become entitled in accordance with the terms of the law existing at the time of commencement of such disability.

ARTICLE IV ELIGIBILITY TO PARTICIPATE

Section 1. General Rule—Classified Service.

Each Qualified Employee of the City who is in the classified service including each Qualified Employee in the classified service of the police and fire department shall be a participant in the System, except as provided in Section 2 of this Article.

Section 2. Exception to General Rule—Classified Service.

Anything herein to the contrary notwithstanding, no member of the pension system provided by the following legislation, if such legislation is applicable to the City, shall be a member of the system:

(a) The Policemen's Pension and Relief Plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified;

(b) The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, page 264);

(c) The Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, page 1067); and

(d) Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, page 280).

Section 3. General Rule—Unclassified Service.

Each Qualified Employee of the City who is in the unclassified service shall be eligible to participate in the System provided he shall elect in writing to so participate within fifteen (15) days of his first becoming a Qualified Employee in the unclassified service.

Section 4. Withdrawal from System—Classified Service.

A Participant in the System who is in the classified service shall continue to be a Participant without the right of withdrawal so long as

he shall continue in the classified service. However, should such Participant cease to be in the classified service, but be employed in the unclassified service, he shall have the right to, but shall not be required to, withdraw from the System by filing an election thereof in writing with the City Comptroller. In such event he shall be entitled to a refund of contributions as provided in Section 16 of ARTICLE VI hereof and shall lose all previously established pension credit under the System.

Section 5. Withdrawal from System—Unclassified Service.

A Participant in the System who is in the unclassified service shall have the right to withdraw from the System while remaining in the service by filing a written application for withdrawal with the City Comptroller. In such event, he shall be entitled to a refund from the System of an amount equal to the total of his contributions to the System less any and all benefits received from the System, and said former Participant shall lose all previously established pension credit under the System and shall thereafter be ineligible to participate in the System while continuing in the unclassified service.

Section 6. Transfer from Unclassified to Classified.

A Participant transferring from the unclassified service to the classified service shall lose the right of withdrawal as provided for Participants in the unclassified service as set forth in Section 5 of this ARTICLE IV and shall continue as a Participant in the System as though his total credited service under the System had been as a classified employee. In the event that a Qualified Employee in the unclassified service who is not a Participant in the System shall transfer to the classified service, he shall not receive any pension credit for service subsequent to the Effective Date and prior to the date he became a Participant by virtue of his transferring to the classified service.

Section 7. Transfer of Member of Policemen's and Firemen's Pension and Relief Plan.

In the event of the transfer of a member of any of the Pension plans referred to in Section 2 of this Article IV to a department of the City other than the Police or Fire Department, he shall become a Participant in the System, his credited service under said predecessor plan shall be counted as credited service under the System, and his contributions to said Plan subsequent to the Effective Date, plus the City's contributions thereto in his behalf, shall be transferred to the fund of the System.

Section 8. Re-Employment.

In the event a Participant should cease to be a Participant hereunder, should elect a return of his contributions as provided in Section 16 of ARTICLE VI hereof and should he thereafter again become a Participant hereunder, he shall have the right to elect to have his previously credited service reinstated. Should he so elect, he shall be liable to the Fund for the amount of the contributions previously refunded to him and the City Comptroller shall deduct said liability from his salary in twenty (20) monthly installments of an approximately equal amount including interest from the date of such refund of contributions at such rate as the Board may from time to time determine. Alternately, the City Comptroller shall be authorized to set such monthly installments, including interest as herein specified, over such lesser number of months as will provide for monthly installments of no less than Ten Dollars (\$10.00).

ARTICLE V PARTICIPANTS' AND CITY'S CONTRIBUTIONS

Section 1. Participants' Contributions.

Each Participant shall contribute to the cost of the System, and the City shall deduct from his salary an amount equal to six per cent

(6%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund. Should the City through error, inadvertence or otherwise, neglect to make proper deduction from the fund from the salary of any employee member for any payroll period the employee member shall be liable to the fund for the amount or amounts that should have been deducted and shall pay said amount to the custodian on demand.

Section 2. City's Contributions.

At the same time the deductions attributable to Participants' contributions are paid into the Fund, the City shall pay into the Fund from its general or otherwise appropriate funds its Current Service Cost and its Past Service Cost to be determined as of the date of the commencement of each fiscal year of City as follows:

a. The actuaries shall determine the Normal Cost of the benefits provided by the System;

b. From the Normal Cost shall be subtracted the value of the Participants' contributions in the previous Fiscal Year;

c. The remainder thus arrived at shall be divided by the total covered payroll of all Participants as of the first day of the Fiscal Year, the resultant percentage shall be called the "Current Service Percentage" and the Current Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's "Current Service Cost" for the Payroll Period;

d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years.

e. The unfunded Accrued Liability as amortized over thirty (30) years shall be divided by total covered payroll of all Participants, the resultant percentage shall be called the "Past Service Percentage" and the Past Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's "Past Service Cost" for the Payroll Period.

Section 3. Contributions Previously Required.

Anything herein to the contrary notwithstanding, contributions of Participant and the City in effect immediately prior to the adoption of this amendatory Act shall continue to be deducted and paid into the Fund until such time as the percentages provided for in Section 2 of this Article V are determined as there required.

Section 4. New Participants—Credit for Service with County or Other Municipality.

In the event a Qualified Employee becoming a Participant herein on or after September 1, 1969 shall have prior thereto been employed by the County under the provisions of a merit system applicable to the County or any municipality in the County under the provision of the merit system applicable to such municipality, he may receive credit for said prior service by paying to the City Comptroller within sixty (60) days after becoming a Participant an amount to be determined as follows:

a. There shall first be determined the salary paid said Participant each month by the County or such municipality;

b. There shall then be computed the contribution which would have been deducted had such salary been paid by the City, said contri-

bution and deduction being determined in accordance with the provisions of this Act on the date he became a Participant in the System;

c. There shall then be determined the total of interest at the rate of four per cent (4%) per annum on the deductions which would have been made from the date they would have been made had such salary been paid by the City to the date he became a Participant in the System, and

d. The total of the deductions which would have been made plus interest at the rate of four per cent (4%) per annum as both are determined in this Section 4, shall be the amount payable.

Section 5. Retirees of Firemen's and Policemen's Supplemental Pension System.

In the event of the retirement of a Policeman or a Fireman from a Supplemental Pension System, as established by Act No. 556 of the Legislature of Alabama of 1959, with twenty-five (25) or more but less than thirty (30) years of credited service under said System, this System shall receive from said Supplemental Pension System the monthly payments required to be paid from said System to this System from said policeman's or fireman's retirement date thereunder until the date he would have been entitled to retire under this System with thirty (30) years of credited service had he continued to serve without retiring and without interruption as a Participant in this System. The City shall then match said contributions from its general fund or other appropriate funds making said matching contributions to the Fund within thirty (30) days from the date of receipt of those funds which are to be matched.

Section 6. Refund of Erroneous Contributions.

In the event contributions shall have been deducted from an employee who is not a Participant herein and shall have been paid into the Fund, said deductions shall be refunded to said employee. Similarly, any contributions made to the Fund by the City on behalf of said non-participating employee shall be refunded to the City.

ARTICLE VI

BENEFITS

Section 1. Normal Retirement Benefit.

A Participant, having attained age sixty (60) or older and having completed fifteen (15) or more years of credited service, or having completed thirty (30) or more years of credited service without regard to age, shall be entitled upon his voluntary retirement to a monthly retirement benefit equal to one of the following:

a. Participants On or Before the first day of July Nine Years After Date of Establishment.

With respect to a Retiree who first became a Participant on or before the first day of July after nine years after date of establishment forty per cent (40%) of his Final Average Salary, plus one and eighty-three one thousandths per cent (1.083%) of his Final Average Salary multiplied by his years of credited service in excess of fifteen (15) years.

b. Participants after the first day of July Nine Years after Date of Establishment.

With respect to a Retiree who first became a Participant subsequent to the first day of July after nine years after date of establishment, one and seven-eighths per cent (1- $\frac{7}{8}$ %) of his Final Average Salary multiplied by his years of credited service. Subject to the provisions of

Section 19 of this ARTICLE VI, the amount of any retirement benefit provided under the provisions of this section which may have commenced to accrue in accordance with the provisions of the System shall continue to accrue throughout the life of the Retiree.

Section 2. Maximum Normal Retirement Benefit.

The maximum Normal Retirement Benefit payable under the preceding Section 1 shall be fifty-six and one-fourth per cent ($56\frac{1}{4}\%$) of Final Average Salary.

Section 3. Participants With Less than Fifteen Years Service.

In the event a Participant with ten (10) or more but fewer than fifteen (15) years of credited service shall be terminated as a Qualified Employee subsequent to January 1, 1967 due to his having attained the age at which termination of his service as a Qualified Employee is mandatory under any law now or hereafter in effect, he shall be entitled to a monthly retirement benefit equal to one and seven-eighths per cent ($1\frac{7}{8}\%$) of his Final Average Salary multiplied by his years of credited service.

Section 4. Participants With More than Thirty Years of Service.

Anything herein to the contrary notwithstanding, should a Participant retire hereunder with more than thirty (30) years of credited service, he shall be entitled to an additional monthly benefit equal to one and seven-eighths per cent ($1\frac{7}{8}\%$) of his Final Average Salary multiplied by his years of Credited Service which are in excess of thirty (30) but in no case to exceed seventy per cent (70%) of his Final Average Salary.

Section 5. Participants Retiring under the Firemen's and Policemen's Supplemental Pension System.

With respect to Participants who shall belong to and retire under the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama after having accumulated twenty-five (25) or more years of credited service thereunder but prior to his having accumulated thirty (30) years of credited service hereunder, benefits payable hereunder shall commence on the date on which he would have accumulated thirty (30) years of credited service hereunder had he not retired but rather had continued in his employment with the City, without interruption, as a fireman or policeman. The annual benefit thereupon payable herefrom shall be an amount equal to that which would have been payable under Section 1 of this Article VI had he not retired but rather had continued in his employment with the City, without interruption, as a fireman or policeman, provided, however, that for the purpose of computing said benefits, Final Average Salary shall be computed as of his actual retirement date from the service.

Section 6. Involuntary Retirement.

In the event a Participant shall be involuntarily retired after having completed twenty (20) or more years of credited service, he shall be entitled to a monthly retirement benefit equal to one and seven eighths per cent ($1\frac{7}{8}\%$) of his Final Average Salary, multiplied by his years of credited service provided however, that should said Participant be involuntarily retired prior to attaining age sixty (60), his entitlement to said monthly retirement benefit, at his retirement date, shall additionally require that within sixty (60) days of said involuntary retirement the agency governing tenure of service of City employees certify in writing to the Board that such employee has not contributed by his own fault or misconduct to said separation from service. Should such certification not be made within the prescribed time, the monthly retirement

benefit thus determined shall commence upon his attainment of age sixty (60). However, should he, prior to attaining age sixty (60) and prior to the commencement of his benefits, withdraw his own contributions to the System, he shall forfeit his right to said monthly retirement benefits.

Anything herein to the contrary notwithstanding, said monthly retirement benefit shall neither commence nor be payable during any period when such involuntarily retired Participant shall refuse or fail to accept employment by the City at a rate of compensation equal to that he was receiving at the time he was involuntarily retired or separated.

Section 7. Ordinary Disability Allowance.

In the event a Participant shall, after having accrued five (5) or more years of credited service, become totally disabled to perform his customary duties as an employee of the City and not be entitled to an extraordinary disability allowance, he shall in such event be entitled to a monthly ordinary disability allowance equal to one and seven-eighths per cent (1-7/8%) of his Final Average Salary multiplied by his years of credited service at the date of his disability.

Benefits payable hereunder shall commence upon the cessation of said disabled Participant's drawing a salary from the City and shall continue until such time as said Participant is no longer totally disabled to perform his said customary duties or substantially comparable duties.

The maximum ordinary disability allowance payable hereunder shall be forty- one and eighty-six one hundredths per cent (41-86/100%) of Final Average Salary.

Anything herein to the contrary notwithstanding, an ordinary disability allowance shall be computed and paid throughout the continuance of such disability as provided and at the rate prescribed by the law in effect at the time of the commencement of such disability. If any disability beneficiary should become separated from the service and withdraw his contributions, his right to continuance of disability benefits shall immediately cease.

Section 8. Extraordinary Disability Allowance.

In the event a Participant shall become totally disabled to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the Service and occurring at a definite time and place, then in the event such total disability shall continue until the Participant ceases to draw salary as an employee of the City such disabled Participant shall be entitled to a monthly allowance from the Fund equal to seventy per cent (70%) of his monthly salary at the time of the accident which resulted in such total disability.

Benefits payable hereunder shall commence upon the cessation of said disabled Participant's drawing a salary from the City and shall continue until such time as such Participant is no longer disabled by such injury to perform his customary duties or substantially comparable duties. If, however, such disabled Participant should, during the continuation of such disability, be separated from the service of the City and should said disability cease to exist, the Board may, in its discretion, continue him on the disability rolls until such time as in the judgment of the Board he is able to find suitable employment at a rate of pay equal or in excess of his disability allowance.

Application for an extraordinary disability allowance must be made within twelve months after the accident resulting in such disability and if granted shall be granted within twelve months after the accident

resulting in such disability. Applications received thereafter shall not be considered and no extraordinary disability allowance shall be awarded with respect thereto.

Anything herein to the contrary notwithstanding, an extraordinary disability allowance heretofore or hereafter granted shall be computed and paid throughout the continuance of such disability as provided and at the rate prescribed by the law in effect at the time of the commencement of such disability. If any extraordinary disability beneficiary should become separated from the Service and withdraw his contributions his right to continuance of disability benefits shall immediately cease.

Section 9. Determination of Disability.

In order for disability allowances to be awarded under Section 7 or Section 8 of this ARTICLE VI, the Board must first have satisfactory proof thereof by the certification of such disability of the Participant applying for disability allowance, said certification being made by a licensed and practicing physician or surgeon. Additionally, the Board shall have the power to require further certifications of such disability by other practicing physicians and surgeons and shall have the power to require such additional proof of total disability as in its judgment it may deem necessary.

During the continuation of disability, the Board may from time to time require further certification of disability by one or more licensed and practicing physician or surgeon selected by the Board and may require such additional proof of the continuation of said disability as it deems appropriate.

With respect to extraordinary disability allowances, hypertension, heart disease or respiratory disease shall not be considered as caused by accident so as to entitle a Participant to an extraordinary disability allowance, nor shall any Participant or any other person claiming under or by reason of relationship to a Participant be entitled to an extraordinary disability allowance as a result of disability caused by hypertension, heart disease or respiratory disease, any other law, general or local, to the contrary notwithstanding. Should a former Participant who has been awarded a Disability Allowance under Section 7 or Section 8 of this ARTICLE VI resume his active duty as an employee of the City, it shall be conclusive evidence of the termination of such total disability for the purpose of the System, and any subsequent cessation of his active duty on account of disability, whether by reason of the same or a different cause, shall be treated as a new disability. However, should a Participant who shall have been awarded an extraordinary disability allowance under Section 8 hereof or is a claimant or prospective claimant therefor resume his active duty as an employee for a period not exceeding a total of one hundred eighty (180) days last ending no later than twelve (12) months following the date of the accident which gave rise to the disability for which he was awarded an extraordinary disability allowance, such resumption of active duty as an employee of the City shall not be deemed to be conclusive evidence of termination of such disability; provided, however, any provision hereof to the contrary notwithstanding, no extraordinary disability allowance shall be allowed unless granted within twelve months after the accident resulting in such disability.

In no event shall disability allowances as provided under Section 7 or Section 8 of this ARTICLE VI be payable with respect to any period of time during which the recipient of such allowances shall be actively employed by the City, shall be due or shall have been paid any salary from or by the City.

Section 10. Survivor's Benefit.

In the event of the death of a Retiree or Participant who, on the

date of his death was eligible for voluntary retirement under Section 1 of this ARTICLE VI, there may be payable a monthly Survivor's Benefit equal to forty-five per cent (45%) of the monthly retirement benefit which said Retiree was receiving or was entitled to receive prior to his death or which said Participant would have been entitled to receive had he retired under Section 1 of this ARTICLE VI on the day preceding his death.

Section 11. Eligibility for Survivor's Benefit.

The surviving spouse of the deceased Retiree or Participant described in Section 10 of this ARTICLE VI shall be eligible to receive a Survivor's Benefit if they continued to be legally married on the date of the death of said deceased Retiree or Participant and if said spouse were married to said deceased Retiree or Participant for at least five (5) consecutive years during which said deceased Retiree or Participant was employed in the service of the City. Further, said surviving spouse shall continue to be eligible to receive said monthly Survivor's Benefit until she shall die or remarry, whichever shall first occur.

In the event said deceased Retiree or Participant should not be survived by his spouse or in the event the spouse should fail to qualify hereunder, a Survivor's Benefit shall be payable to the child or children of said deceased Retiree or Participant, provided, however, that no Survivor's Benefit shall be payable to such child if married or if over age eighteen (18).

Section 12. Service Connected Death Benefit.

Should a Participant be killed in the line of his duty, there may be payable to his spouse and child or children a Service Connected Death Benefit which shall be determined as follows:

(a) Spouse Benefit.

The surviving spouse shall receive a monthly benefit equal to forty per cent (40%) of the monthly salary of the deceased Participant and shall additionally receive an amount equal to ten per cent (10%) of said salary for each eligible child of said deceased Participant. However, in no event shall the monthly benefit payable to the spouse hereunder exceed fifty per cent (50%) of the monthly salary of the deceased Participant.

(b) Child or Children Benefit.

Should there be no surviving spouse or should the surviving spouse fail to qualify hereunder, there shall be payable to or for the benefit of such deceased Participant's child or children a monthly benefit equal to forty per cent (40%) of the deceased Participant's monthly salary.

(c) Deceased Participant's Monthly Salary.

For the purpose of this Section 12, the deceased Participant's monthly salary shall mean his Final Average Salary except that with respect to a Participant who should be killed in the line of service prior to having accumulated five (5) years of Credited Service hereunder, it shall mean his monthly salary as of the date of the injury which resulted in his death.

Section 13. Eligibility for Service Connected Death Benefit.

The surviving widow of the deceased Participant described in Section 11 of this Article shall be eligible to receive a Service Connected

Death Benefit if they continued to be legally married on the date of the death of said deceased Participant. Further, said surviving spouse shall continue to be eligible to receive said monthly Service Connected Death Benefit until she shall die or remarry, whichever shall first occur.

Service Connected Death Benefits attributable or payable to or on behalf of said deceased Participant's child or children shall only be payable with respect to such child or children who are both unmarried and eighteen (18) years of age or younger except that with respect to an unmarried child or children who shall continue to be a student regularly attending school, benefits shall continue to be payable until they attain age twenty-two (22).

Section 14. Firemen's and Policemen's Supplemental Pension System—Widow's Pension.

In the event a fireman or policeman shall retire under the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama after having accumulated twenty-five (25) years of credited service thereunder and shall die prior to the date on which he would have accumulated thirty (30) years of credited service under this System had he not retired but rather had he continued in his employment with the City, without interruption, as a fireman or policeman, his widow shall not receive any benefit herefrom. However, should said retired fireman or policeman die subsequent to the date on which he would have accumulated thirty (30) years of credited service hereunder, and should he be survived by a widow to whom he was married for at least five (5) years while an active employee, said widow shall be entitled to receive until such time as she should remarry a monthly widow's pension in an amount equal to forty-five per cent (45%) of the monthly retirement benefit which her husband was receiving or entitled to receive on the date of his death as if such widow was entitled to a benefit under Sections 10 and 11 of this ARTICLE.

Section 15. Death Prior to Retirement — Return of Contributions.

In the event a Participant shall die prior to retirement and without a surviving spouse or children eligible for benefits hereunder, there shall be payable an amount equal to his total contribution to the System, without interest, less an amount equal to one-half ($\frac{1}{2}$) the total of all Disability Retirement benefits paid to said deceased Participant prior to his death.

Section 16. Termination of Employment or Ineligibility — Return of Contributions.

In the event a Participant shall terminate or be terminated from his employment with the City for any reason whatever, in the event a Participant shall cease to be eligible for participation herein or in the event a Participant herein shall cease to be a classified employee and shall elect to terminate his participation in the System, there shall be payable to said former Participant an amount equal to his total contributions to the System, without interest, less an amount equal to one-half ($\frac{1}{2}$) the total of all disability retirement benefits paid to said former Participant; provided, however, that this section shall not require a return of contributions to an involuntary retiree who elects not to withdraw his contributions pursuant to Section 6 of the ARTICLE VI.

Section 17. Payment of Return of Contributions.

A return of contributions, as provided herein, shall be payable to said former Participant, if living, and otherwise to his personal representative who may qualify as such and make demand for payment within sixty-days after death of such former Participant or if there

be no such qualification and demand to his named beneficiary. In the event said former Participant shall have died and shall have not, while an active Participant in the System, designated a beneficiary in writing, said return of contributions shall be paid in the following order of preference:

- (1) To his Personal Representative if one qualifies and makes demand therefor within sixty days after the death of such Participant;
- (2) To his surviving spouse;
- (3) To his surviving children in equal shares;
- (4) To his surviving parents in equal shares;
- (5) To his surviving brothers and sisters in equal shares.

Section 18. Designation of Severance Beneficiary.

The custodian shall keep a book or record in which any employee member may designate the name of a person to receive return of contributions made by him in the event of his death prior to commencement of accrual of a retirement allowance in his favor. Any such designation may be changed from time to time by the employee member. Each such designation shall be signed and dated by the employee member, and the last signed and dated designation shall prevail over any former designation. The rights of the last designated severance nominee shall be governed by Section 17.

If a fireman or policeman has executed an instrument providing for the Board of Managers of the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, Acts of Alabama of 1959, page 1376, et seq., to receive return of contributions made by him in the event of his death, then the right of the said Board of Managers to receive the return of said contributions shall prevail over the claim of the severance nominee, or spouse, or children, or father, or mother, or sister or brothers or personal representative of such deceased fireman or policeman.

Section 19. Payment of Benefits During Period of Re-Employment.

Anything herein to the contrary notwithstanding, no retirement benefits of whatever kind or description shall be payable to any former Participant for any period during which said former Participant is employed by the City, is due a salary from the City or has been paid a salary by the City.

Section 20. Determination of Right to Benefits.

The determination of the rights of a Retiree to benefits or survivors to death or other benefits under this System shall be determined on the basis of the law governing the System which is in effect on the date of retirement of said Retiree or death of said Participant as the case may be and the right of any beneficiaries or contingent payees as herein provided shall be determined on the basis of the law governing this System which is in effect on the date of the death of the Retiree or Participant which gave rise to the rights of said beneficiary or contingent payee.

Section 21. Payment of Benefits to Minor Children.

In the event that benefits become payable hereunder to minor children, payments shall be made to the legal guardian of said minor children or, in the absence of a legal guardian, to the person who has custody of said children, provided, however, that the benefit shall be payable to the use and benefit of said children.

Section 22. Law Applicable to the Measurement of Benefits.

The rights of any person heretofore or hereafter retired shall continue to be measured and governed by the terms of the System in effect at the time of such retirement and should such person die during continuance of such retirement the right of the spouse, child or children of such deceased retired person and the rights of the spouse, child or children of any other deceased person or Participant shall be measured and governed by the terms of the System in effect at the time of the death of such deceased person or Participant.

ARTICLE VII**PARTICIPANT LOANS****Section 1. Loans to Participants.**

The Board shall have the right to lend to any employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of the employee member to the fund immediately after such loan to exceed fifty per cent (50%) of the amount of contributions returnable to him, or those claiming under him, were he to become separated from the service immediately after such loan. Interest on such loan shall be charged at the rate of six per cent per annum. Provided, however, that if an employee member is a fireman or policeman belonging to a Supplemental Pension System established by Act No. 556 of the 1959 Session of the Legislature of Alabama, approved November 19, 1959 (Ala. Acts, 1959, p. 1376) the Board shall have the right to lend such employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of such employee member to the fund immediately after such loan to exceed fifty per cent (50%) of the aggregate amount of contributions returnable to him, or those claiming under him by provision of this Act and provision of Said Act No. 556, were he to become separated from the service immediately after such loan.

Section 2. Repayment of Loan.

Any loan made to a Participant from the Fund pursuant to Section 1 of this ARTICLE VII shall be repayable in either monthly, quarterly, semi-annual or annual installments over a period not to exceed twenty-four (24) months from the date of issuance of such loan as the Board in its discretion may require and at an interest rate of six per cent (6%) per annum.

Section 3. Life Insurance.

Should a Participant obtaining a loan hereunder request the Board to secure a policy of insurance on his life providing for the insurance company to repay the unpaid balance of said loan in the event of his death, the Board shall secure and make available such insurance, if obtainable, at the Participant's expense. In no event shall the amount of life insurance thus obtainable exceed the unpaid balance of the loan attributable to the Participant applying therefor.

ARTICLE VIII**MISCELLANEOUS****Section 1. Liabilities of Employee Members to Fund.**

Any debt or liability of a Participant to the Fund or to the City shall be offset against, and deducted from, any amount due from the Fund to the employee member or those claiming under him either as return of contributions or as disability or retirement payments, and only the balance, if any, shall be payable by the Fund.

Section 2. False Representations.

It shall be a misdemeanor, and punishable as such, for any Participant or beneficiary to knowingly make any false representation to the Board or to the Secretary of the Board or to the City Comptroller or the custodian or to any investigator or agent of the Board with respect to any matter pertaining to the administration of the System.

Section 3. Exemptions.

Neither all nor any portion of the fund, whether in cash, securities or otherwise, nor any income or yield thereof, shall be subject to, or exacted on account of, any tax. No retirement or disability allowance nor any amount payable thereunder shall be subject to assignment or to any process for the collection of debts, provided this shall not apply to assignments or debts to the Fund or to the City. Except with respect to the return of contributions provided for in Section 16 of ARTICLE VI, no liability of the Fund for return of contributions shall be subject to assignment, and, subject to the provisions of Section 17 of ARTICLE VI in relation to payment to personal representatives, no liability of the Fund for return of contributions shall be subject to any process for the collection of debts.

Section 4. Members in Armed Forces.

If any Participant, either before July 1, 1945, and after October 16, 1940, or after July 1, 1945, and prior to declaration by the Congress or President of the United States of termination of the unlimited national emergency declared by the President in his proclamation of May 27, 1941, shall have left the service for the purpose of entering the armed forces of the United States, after having been in the service for at least one year next before such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service of the City within forty days after his separation from such armed forces, and, in any event, within one year after declaration by the Congress or the President of the United States of termination of the unlimited national emergency declared by said President in said proclamation of May 27, 1941, and shall not have been dishonorably discharged from such armed forces, then, and in all such events, the City shall promptly pay into the Fund an amount double that which the Participant would have contributed to the Fund from his salary had he continued in the service of the City as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the Fund under any provision of the System for return of contributions made by Participants. In order to extend the benefits of this Section to some "Korean Veterans" to whom such benefits would not otherwise extend, the unlimited national emergency declared by the President of the United States in his proclamation of May 27, 1941, shall, for the purposes of this Section, be deemed to have been by the Congress or the said President declared terminated at midnight, January 31, 1955, the time designated by the President in Executive Order No. 10585, dated January 1, 1955, "as the date of termination of combatant activities" in the Korean

Zone and also the time fixed by said President in Proclamation No. 3080, dated January 1, 1955, as a terminal time for various purposes in respect of service in the Armed Forces.

In order to extend the benefits of this Section to other veterans to whom such benefits would not otherwise extend, it is hereby provided that if any Participant shall have left the service prior to April 20, 1954, for the purpose of serving in the armed forces of the United States after having been in the service of the City for at least one year next before leaving, and shall have entered such armed forces promptly after such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of Participant in the service within forty days after his separation from such armed forces, and in any event prior to the 21st day of May, 1956, and shall not have been dishonorably discharged from such armed forces, then and in all such events, the City shall promptly pay into the Fund an amount double that which the employee would have contributed to the Fund from his salary had he continued in the service as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the Fund under any provision of the System for return of contributions made by Participants.

As hereafter used in this Section 4, the term "period of hostilities" means any period subsequent to April 20, 1954, when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not. In order to further extend the benefits of this Section to other veterans to whom such benefits would not otherwise extend, it is hereby provided that if any Participant shall have left the service subsequent to April 20, 1954, for the purpose of serving in the armed forces of the United States, during a period of hostilities, after having been in the service for at least one year next before such leaving and shall have entered such armed forces promptly after such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service within forty (40) days after his separation from such armed forces, and shall not have been dishonorably discharged from such armed forces, then in all such events the City shall promptly pay into the Fund an amount double that which the employee would have contributed to the Fund from his salary had he continued in the service as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled under Section 7 of ARTICLE VI for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable to the Fund under any provision of the System for return of contributions made by Participants.

Anything to the contrary contained in this Section notwithstanding, no Participant who has entered the Armed Forces of the United States subsequent to April 20, 1954, and who otherwise qualifies for the benefits provided herein, shall be entitled to receive such benefits upon return to service unless he shall return to such service within five (5) years after having left such service to enter said Armed Forces.

ARTICLE IX

CONSTRUCTIVE SUBSIDIARIES OF THE CITY

Section 1. Participants in the System.

It being recognized that it is desirable to allow as participants in the System employees of certain departments and authorities, the employees of the following such employers shall be included as constructive employees of the City and as Participants in the System under the terms and conditions set forth herein subject only to any qualifications or limitations hereinafter provided.

Section 2. Board of Health.

Employees of the Board of Health shall be deemed constructively employees of the City during all their time in the service of said Board of Health, whether past, present or future, and the retrospective and prospective terms of the System shall be retrospectively and prospectively applied to such constructive employees as fully and restrictively, and with like effect as though said Board of Health were actually such subsidiary board or department at all times past, present and future, and as though employees thereof were actually employees of the City at all times while in the service of said Board of Health, past, present or future. For the purposes of application of the terms of the System, such constructive employees of the City shall be deemed as in the classified service of the City during such period or periods, whether past, present or future, as they may be or may have been subject to the same civil service system as that to which employees of the City may be or may have been contemporaneously subject, and shall be governed accordingly by the retrospective and prospective provisions of the System. However, any such constructive employee who may or may have become an employee member after the Effective Date by virtue of Section 1, Article IV hereof shall be entitled to count as creditable time his prior service time as well as his paid membership time. In case of existence in the same county of two cities having a population of two hundred and fifty thousand or more inhabitants that one which first entered such population class shall be deemed the City referred to in this and the next succeeding four sections.

Section 3. Civic Center.

For the purpose of the application of the System to the extent herein provided, and for that purpose only, and except as may be otherwise or differently provided herein, the employment by Civic Center of employee members shall be deemed constructively employment by the City during all of their time in the service of Civic Center after the adoption of this Section 3, with like effect as though said employee members, while working for Civic Center, were actually working as employees of the City, subject to this pension system; provided, however, that this Section shall not apply unless all of the conditions hereinafter specified are met.

This Section 3 shall not apply to any employee member unless within thirty (30) days after he leaves the service of the City he is

employed by Civic Center on a salary payable at regular specified intervals; any person employed by Civic center on a part time basis before he leaves, or when he leaves, the service of the City shall be within the scope of the next foregoing sentence, if he continues in the employment of Civic Center.

This Section 3 shall not apply unless the employee member leaves in the System Fund the contributions made by him to the Fund.

This Section shall not apply unless, within the time below stated, Civic Center gives written notice to the Board of Managers that Civic Center elects for this said Section 3 of Article IX of this Act to apply to the employment of said employee member by Civic Center. This Section shall not apply unless the Board of Managers receives such notice within forty-five (45) days of the employee member's leaving the service of the City; provided, however, that the said Board may in its discretion accept and treat as binding such notice received after that time, if the Board finds that delay in forwarding the notice was justified.

After giving any such notice, it shall be the duty of Civic Center to make or cause to be made and paid into the pension fund deductions from the salary of its employee who is the subject to such notice, and to do so in all respects as is provided by the System for the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of Civic Center to make matching contributions to the Fund from its own funds in respect to any employee who is the subject of any such notice, in all respects as it is made the duty of the city to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of Civic Center to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System.

After the Board of Managers receives the said certificate from Civic Center, the election made by Civic Center for this Section to apply to the employee member named in the certificate shall be irrevocable.

Section 4. Civil Defense Agency.

For the purpose of application of the terms of the System, and for such purpose only, and except as may be hereinafter otherwise or differently provided in this and Section 6 of this Article, on and after September 1, 1969, the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of the City shall be deemed constructively a subsidiary board or department of the City during said Civil Defense Agency's subsequent existence, and the employees thereof in the classified service shall be deemed constructively employees of the City during all their time in the service of said Civil Defense Agency subsequent to September 1, 1969, and thereafter the terms of the System shall be prospectively applied to such constructive employees as fully and restrictively, and with like effect, as though said Civil Defense Agency were actually such subsidiary board or department and as though employees thereof in the classified service were actually employees of the City at all times while in the service of said Civil Defense Agency subsequent to September 1, 1969.

Section 5. Duties of the Board of Health.

After July 1, 1945, it shall be the duty of the Board of Health, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the Fund deductions from the salaries of all of its employees who are employee members, and to do so in all respects as is provided by the System for

the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to make matching contributions to the Fund from its own funds in respect of its employees who are employee members, in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System, and, thereinabout, to make available to them all such records and information pertaining to employees of the Board of Health as they or either of them may request for the purpose of administration of the system.

Section 5. Duties of the Civil Defense Agency.

After September 1, 1969, it shall be the duty of said Civil Defense Agency, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the Fund deductions from the salaries of all its employees who are employee members, and to do so in all respects as is provided by the System for the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency as such independent agency to make matching contributions to the Fund from its own funds in respect of its employees who are employee members in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency as such independent agency to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System, and, thereinabout, to make available to them all such records and information pertaining to employees of Civil Defense as they or either of them may request for the purpose of administration of the System.

ARTICLE X

INCREASE IN BENEFITS

Section 1. Authority of the City. The Governing Body of any city, subject to the limitations of this Article, shall by ordinance provide for an increase in the monthly retirement benefits provided as follows: In Article VI, Section 1 a, from 1.083% of final average salary multiplied by the number of years of credited service to 1.3334% of final average salary, multiplied by the number of years of credited service; in Article VI, Section 1 b, from 1—7/8% to 2% of final average salary multiplied by the number of years of credited service; in Article VI, Section 2, the limitation provided from 56—1/4% to 60% of final average salary; in Article VI, Section 3, from 1—7/8% of final average salary multiplied by the number of years of credited service, to 2% of final average salary multiplied by the number of years of credited service; in Article VI, Section 4, from 1—7/8% of final average salary, multiplied by the number of years of credited service to 2% of final average salary multiplied by the number of years of credited service, with a change in the limitation from 65% to 70% of final average salary; in Article VI, Section 6, from 1—7/8% of final average salary, multiplied by the number of years of credited service to 2% of final average salary multiplied by the number of years of credited service; in Article VI, Section 7, from 1—7/8% of final average salary multiplied by the number of years of credited service to 2% of final average salary multiplied by the number of years of credited service and also in Article VI, Section 7, the maximum provided from 41—86/100% of final average salary to sixty per cent (60%) of final average salary, but not to exceed sixty per cent (60%) of final average salary.

Section 2. The Ordinance. The ordinance shall be adopted by the Governing Body of such city and in addition to the increase in benefits shall provide that annually the actuaries referred to in Article V, Section 2 of this Act, shall determine separately the increase in current service cost and past service cost attributable to the increased benefits provided for by the ordinance and that any such increase in cost as determined by the report of the actuaries shall be divided equally between the City and the Participants in the Service of the City, payable by deduction from the salary of the Participant and payment of such amounts into the Fund and payment into the Fund by the City of the increased cost which it is required to pay hereunder. The additional deductions from the salary of Participants required by the ordinance and this Article X shall be in addition to the deduction from the salary of Participants required by Article V, Section 1. The increased payment from the City required by the Ordinance and this Article X shall be in addition to the payments which would have been required of the City under Article X had the additional benefits not been provided. The additional deductions from the salary of Participants in the Service and the additional contribution from the City required by such an ordinance and this Article X shall commence on the first day of the Fiscal year of the System subsequent to the receipt of the actuary's report referred to in Article V, Section 2 of this Act.

Section 3. Election by Participants required. Any city now subject to the provisions of this Act shall, within ninety days after the effective date of this amendatory act, and any city becoming subject to the provisions of this Act in the future, shall within ninety days after the date of establishment as applied to such city provide for an election to be held at which all Participants in the service of the City may vote in favor of or against the increase in benefits provided by such ordinance. If a majority of the Participants in the service of the City who vote in such election votes in favor of such ordinance, the same shall become effective according to its provisions on the 1st day of the calendar month subsequent to said election. If a majority of the Participants in the service of the City voting in said election votes against said ordinance, then said ordinance shall not become effective.

Section 4. Procedure for calling the election. The governing body of any City shall have authority to call the election required by this Article X to provide for reasonable notice of such election to Participants in the service of the City, to provide places at which such Participants may vote, to appoint managers and clerks to conduct such election, to furnish ballots therefor, to provide reasonable rules and regulations for the conduct of the election and to do any and all things reasonably necessary or desirable to do in order to hold such election.

ARTICLE XI

Section 1. Future Increase in Benefits. Any increase in cost to the System resulting from future increases in benefits shall be shared equally by the City and the Participants in the manner provided in Article X hereof.

ARTICLE XII

SEVERABILITY

Section 1. The provisions of this Act shall be severable. Should any Article, section or provision hereof be held invalid or unenforceable by a Court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining sections or provisions hereof."

Section 2. This Amendatory Act shall become effective on the first

day of the calendar month next succeeding the calendar month in which this Act shall be approved by the Governor, or otherwise become a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Baker	Givhan	McLain	Register	
Branyon	Harris	Malone	Shelby	
Clark	Hawkins	Noonan	Vacca	
Cook	Jones	O'Bannon	Wilder	
Dominick	King			—25

Nays: —0

And said Bill, H. B. 620, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Gilmore	Lybrand	Pierce	
Baker	Givhan	McLain	Register	
Branyon	Harris	Malone	Shelby	
Clark	Hawkins	Noonan	Vacca	
Cook	Jones	O'Bannon	Wilder	
Dominick	King			—25

Nays: —0

MOTION TO RECONSIDER

Mr. Dominick moved that the Senate reconsider the vote by which the Bill, S. B. 944, was passed, and further moved that the motion to reconsider be postponed temporarily, which motion was adopted.

MOTION TO RECONSIDER

Mr. Dominick moved that the Senate reconsider the vote by which the Bill, H. B. 619, as amended, was passed, and further moved that the motion to reconsider be postponed temporarily.

Mr. Bailes moved that the motion to postpone be laid on the table, which motion was lost.

The question was then on the motion of Mr. Dominick, which was adopted, and the Senate postponed temporarily the motion to reconsider the Bill, H. B. 619, as amended.

MOTION TO RECONSIDER

Mr. Dominick moved that the Senate reconsider the vote by which the Bill, H. B. 620, as amended, was passed, and further moved that the motion to reconsider be postponed temporarily, which motion was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1909. Pertaining to Madison County, to consolidate the offices of Register in Chancery of the 23rd Judicial Circuit, the office of County

Court Clerk or its successor and the Clerk of the Circuit Court, 23rd Judicial Circuit; to provide that the Clerk of the said Circuit Court henceforth perform duties and functions of the said Register and County Court Clerk; to provide the compensation of the Circuit Clerk and to otherwise provide for the office of Clerk of the Circuit Court, 23rd Judicial Circuit of Alabama; to create the office of Court Administrator; to provide the compensation and duties of said office and to otherwise provide for said office.

having been passed and reconsidered on the Thirty-Second Legislative Day, was again taken up.

Mr. McLain offered the following amendment to the Bill, H. B. 1909, to-wit:

AMENDMENT TO H. B. 1909

Amend Section 2 by changing the period at the end of the second sentence in such section to a comma and inserting the following:

and the same right to become a supernumerary register that he or she would have had if the office of register had continued to exist and he or she had continued to hold such office until he or she makes application to become a supernumerary register.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Malone	Register
Baker	Harris	Melton	Shelby
Carr	Horne	O'Bannon	Vacca
Clark	Jones	Owen	Weaver
Dozier	Lindsey	Pelham	Wilder
Fine	Littleton	Pierce	Wilson
Foshee	McLain		

—25

Nays:

—0

Mr. McLain then offered the following amendment to the Bill, H. B. 1909, as amended, to-wit:

AMENDMENT TO H. 1909, AS AMENDED

Strike Section 10 in its entirety and insert in lieu thereof the following:

Section 10. This Act shall become effective on the first day of November following its passage and approval by the Governor, or its otherwise becoming law; provided, that any provision hereof which contravenes the Constitution of Alabama of 1901, as amended, shall become effective upon the ratification and adoption of an amendment to said Constitution authorizing such provision.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Harris	Littleton
Baker	Fine	Horne	McLain
Carr	Foshee	Jones	Malone
Clark	Givhan	Lindsey	Melton

O'Bannon	Pierce	Vacca	Wilder	
Owen	Register	Weaver	Wilson	
Pelham	Shelby			—25

Nays: —0

And said Bill, H. B. 1909, as thus amended, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Givhan	Malone	Register	
Baker	Harris	Melton	Shelby	
Carr	Horne	O'Bannon	Vacca	
Clark	Jones	Owen	Weaver	
Dozier	Lindsey	Pelham	Wilder	
Fine	Littleton	Pierce	Wilson	
Foshee	McLain			—25

Nays: —0

BILLS RE-REFERRED

Mr. Foshee moved that, in accordance with Senate Rule 50, the Bill, H. B. 1219, be recalled from the Standing Committee on Commerce, Transportation and Common Carriers and re-referred to the Standing Committee on Finance and Taxation, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 1219, re-referred to the Standing Committee on Finance and Taxation.

FURTHER CONSIDERATION OF H. B. 619

Mr. Hawkins moved that the Senate reconsider the motion by Mr. Dominick that the Senate reconsider the vote by which the Bill, H. B. 619, as amended, was passed, and further, that the motion to reconsider be postponed temporarily.

The motion of Mr. Hawkins prevailed, and the Senate did reconsider said vote by which the Bill, H. B. 619, as amended, was passed.

And said Bill, H. B. 619, as amended, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pierce	
Bailes	Gilmore	McLain	Shelby	
Baker	Harris	Malone	Vacca	
Branyon	Hawkins	Noonan	Weaver	
Cook	Horne	O'Bannon	Wilder	
Dominick	King	Pelham	Wilson	
Edington	Littleton			—25

Nays: —0

FURTHER CONSIDERATION OF H. B. 620

Mr. Hawkins moved that the Senate reconsider the motion by Mr. Dominick to reconsider the vote by which the Bill, H. B. 620, as amended, was passed, and that further consideration to reconsider be postponed temporarily.

Mr. Dominick moved that the motion of Mr. Hawkins be laid on the table, which motion was lost.

Yeas 1; Nays 7.

Yea: Mr. Dominick —1

Nays:

Messrs.:	Clark	Gilmore	King	
Bailes	Dozier	Hawkins	Vacca	—7

(The President and Presiding Officer declared that a quorum was present but not voting.)

The question was then on the motion of Mr. Hawkins, which motion was adopted, and the Senate reconsidered the above-stated motion by Mr. Dominick.

Yeas 6; Nays 1.

Yeas:

Messrs.:	Dozier	Hawkins	Vacca	
Bailes	Gilmore	King		—6

Nay: Mr. Dominick —1

The President and Presiding Officer declared a quorum present but not voting.)

And said Bill, H. B. 620, as amended, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Shelby	
Bailes	Foshee	Lybrand	Vacca	
Branyon	Gilmore	Malone	Weaver	
Carr	Harris	Noonan	Wilder	
Clark	Hawkins	Owen	Wilson	
Cook	Jones	Pelham		
Dominick	King	Pierce		—25

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

H. 1647. Relating to Chambers County; regulating the compensation of certain officers, providing compensation for clerks, deputies, assistants and secretaries, providing for operation of their offices, and to allow the county governing body to pay certain allowances to county officers for expenses they incur to attend the conventions of their respective associations or in the conduct of other business for the county.

was taken up.

Mr. Horne offered the following amendment to the Bill, H. B. 1647, to-wit:

AMENDMENT TO H. 1647

Amend H. 1647 as follows,

Substitute the following for Section 2:

"Section 2. The governing body of Chambers County shall provide compensation for clerks, deputies, assistants, and secretaries for the officers enumerated in this act, provided, however, that no compensation or salary may be given or received by any member of the governing body of Chambers County, the Chambers County Commission, as long as anyone serves on the Burnt Village Park Authority as an officer, treasurer, secretary, or employee of the Burnt Village Park Authority who is not an actual bonafide resident of Alabama in accordance with Act No. 302 of the 1973 Regular Session."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Baker	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Shelby
Clark	Gilmore	McLain	Vacca
Cook	Harris	Melton	Weaver
Dominick	Hawkins	O'Bannon	Wilson
Dozier	Horne		

—25

Nays:

—0

And said Bill, H. B. 1647, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Baker	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Shelby
Clark	Gilmore	McLain	Vacca
Cook	Harris	Melton	Weaver
Dominick	Hawkins	O'Bannon	Wilson
Dozier	Horne		

—25

Nays:

—0

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Hon. Jack Tatum and Senator Robert H. Harris to the Board of Trustees of Auburn University.

On motion of Mr. Lybrand, the appointment of Messrs. Tatum and Harris

was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Branyon	Fine	Givhan
Bailes	Clark	Foshee	Horne
Baker	Dozier	Gilmore	Jones

King	Melton	Pierce	Vacca
Lindsey	Noonan	Register	Wilder
Lybrand	O'Bannon	Shelby	Wilson
Malone	Owen		

—25

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Doctor C. A. Lightcap and Doctor Winston Edwards to the Alabama Mental Health Board.

On motion of Mr. Lybrand, the appointment of Doctors Lightcap and Edwards

was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Noonan
Bailes	Fine	Jones	O'Bannon
Baker	Foshee	King	Owen
Branyon	Gilmore	Lindsey	Register
Clark	Givhan	Lybrand	Vacca
Cook	Harris	Malone	Wilder
Dominick	Hawkins	Melton	Wilson

—27

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable James Geer and Honorable Frank M. Moody to the Alabama Mental Health Board.

On motion of Mr. Lybrand, the appointment of Messrs. Geer and Moody was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Foshee	Lindsey	Pierce
Baker	Gilmore	Lybrand	Register
Branyon	Givhan	Malone	Shelby
Clark	Harris	Melton	Vacca
Cook	Hawkins	Noonan	Wilder
Dominick	Horne	O'Bannon	Wilson
Dozier	Jones		

—29

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Paul Carpenter, Mrs. Madge Poole,

and Honorable Graves Musgrove to the Board of Trustees of Jacksonville State University.

On motion of Mr. Lybrand, the appointment of Messrs. Carpenter and Musgrove and Mrs. Poole

was confirmed by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Owen
Bailes	Foshee	Lindsey	Pierce
Baker	Gilmore	Lybrand	Register
Branyon	Givhan	Malone	Shelby
Clark	Harris	Melton	Vacca
Dominick	Hawkins	Noonan	Wilder
Dozier	Horne	O'Bannon	Wilson
Edington			

—28

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Thomas F. Staton and Honorable Thomas Bradford, Sr., to the State Board of Corrections.

On motion of Mr. Lybrand, the appointment of Dr. Staton and Mr. Bradford

was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Malone
Bailes	Fine	Jones	Melton
Baker	Foshee	King	Noonan
Branyon	Gilmore	Lindsey	O'Bannon
Clark	Givhan	Littleton	Register
Cook	Harris	Lybrand	Vacca
Dominick	Hawkins		

—25

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable John R. Broadway and Reverend Billy Frank Hall to the Board of Trustees of Livingston State University.

On the motion of Mr. Lybrand, the appointment of Messrs. Broadway and Hall

was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Baker	Clark	Fine
Bailes	Branyon	Dozier	Foshee

Gilmore	Jones	Malone	Register
Givhan	King	Melton	Shelby
Harris	Lindsey	Noonan	Vacca
Hawkins	Lybrand	Owen	Wilson
Horne			

—24

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Camile Wright Cook to the Air Pollution Commission.

On motion of Mr. Bailes, the appointment of Mrs. Cook was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	O'Bannon
Bailes	Foshee	Lindsey	Owen
Baker	Gilmore	Lybrand	Register
Branyon	Givhan	Malone	Vacca
Clark	Harris	Melton	Wilder
Dominick	Hawkins	Noonan	Wilson
Dozier	Horne		

—25

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Frank Parker to the Board of Appeals for the Department of Industrial Relations.

On motion of Mr. Lybrand, the appointment of Mr. Parker was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Noonan
Bailes	Foshee	Lindsey	O'Bannon
Baker	Gilmore	Littleton	Owen
Branyon	Givhan	Lybrand	Register
Clark	Harris	Malone	Wilder
Cook	Hawkins	Melton	Wilson
Dozier	Horne		

—25

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Honorable Joseph P. Givhan, Dr. James J. Hicks,

Honorable James O. Murphy, Jr., Honorable Guy L. Burns, and Honorable Wilson Mann to the Good Neighbor Commission.

On motion of Mr. Lybrand, the appointment of Messrs. Givhan, Hicks, Murphy, Burns and Mann

was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Noonan	
Bailes	Foshee	Lindsey	O'Bannon	
Baker	Gilmore	Littleton	Owen	
Branyon	Givhan	Lybrand	Vacca	
Clark	Harris	Malone	Weaver	
Dominick	Hawkins	Melton	Wilder	
Dozier	Horne			—25

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Walter C. Givhan and Honorable Leon V. Keel to the Farmers Market Authority.

On motion of Mr. Lybrand, the appointment of Senator Givhan and Mr. Keel

was confirmed by the Senate.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	O'Bannon	
Bailes	Gilmore	Littleton	Owen	
Baker	Harris	Lybrand	Vacca	
Branyon	Hawkins	Malone	Weaver	
Clark	Horne	Melton	Wilder	
Dozier	Jones	Noonan	Wilson	
Fine				—24

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable C. W. Anderson and Dr. Ralph Adams to the State Personnel Board.

On motion of Mr. Lybrand, the appointment of Messrs. Anderson and Adams

was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Baker	Clark	Fine
Bailes	Branyon	Dozier	Foshee

Gilmore	Jones	Melton	Vacca	
Givhan	Lindsey	Noonan	Weaver	
Harris	Lybrand	Register	Wilder	
Hawkins	McLain	Shelby	Wilson	
Horne	Malone			—25

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable I. J. Scott, Jr., and Honorable Basil Thompson to the Judicial Commission.

On motion of Mr. Lybrand, the appointment of Messrs. Scott and Basil

was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Register	
Bailes	Gilmore	Littleton	Shelby	
Branyon	Givhan	Lybrand	Vacca	
Clark	Harris	Melton	Weaver	
Dozier	Hawkins	Noonan	Wilder	
Edington	Horne	O'Bannon	Wilson	
Fine	King			—25

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable John M. Harbert, III, to the Alabama Alcoholic Beverage Control Board.

On motion of Mr. Lybrand, the appointment of Mr. Harbert was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Noonan	
Bailes	Foshee	Lindsey	O'Bannon	
Baker	Gilmore	Littleton	Shelby	
Branyon	Givhan	Lybrand	Vacca	
Clark	Harris	McLain	Weaver	
Cook	Hawkins	Melton	Wilder	
Dozier	Horne			—25

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Robert E. Kelly and Honorable C. J. Hartley to the Board of Trustees of Troy State University.

On motion of Mr. Dozier, the appointment of Messrs. Kelly and Hartley

was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Register	
Bailes	Foshee	Littleton	Shelby	
Branyon	Gilmore	Lybrand	Vacca	
Clark	Givhan	Melton	Weaver	
Cook	Harris	Noonan	Wilder	
Dominick	Hawkins	O'Bannon	Wilson	
Dozier	Horne			—25

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Sam Sawyer to the Board of Trustees of the University of South Alabama.

On motion of Mr. Lybrand, the appointment of Mr. Sawyer was confirmed by the Senate.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Fine	Jones	O'Bannon	
Bailes	Foshee	King	Owen	
Baker	Gilmore	Lindsey	Pierce	
Branyon	Givhan	Littleton	Register	
Clark	Harris	Lybrand	Shelby	
Cook	Hawkins	Melton	Vacca	
Dozier	Horne	Noonan	Wilder	
				—27

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Roy B. Morgan, Sr. and Honorable Kelly Sistrunk to the State Forestry Commission.

On motion of Mr. Lybrand, the appointment of Messrs. Morgan and Sistrunk

was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Baker	Clark	Dozier
Bailes	Branyon	Cook	Fine

Foshee	King	O'Bannon	Vacca	—25
Givhan	Lindsey	Owen	Weaver	
Harris	Lybrand	Register	Wilder	
Hawkins	Melton	Shelby	Wilson	
Horne	Noonan			

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Pat Lancaster to the Civil Service Board of Tuscaloosa County.

On motion of Mr. Lybrand, the appointment of Mr. Lancaster was confirmed by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Fine	King	Malone	—21
Bailes	Foshee	Lindsey	Melton	
Baker	Givhan	Littleton	Shelby	
Branyon	Hawkins	Lybrand	Vacca	
Clark	Horne	McLain	Weaver	
Dozier	Jones			

Nays: —0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Honorable Henry H. Cobb, Jr., and Honorable James A. Mickle, Jr., to the rank of Brigadier General.

On motion of Mr. Lybrand, the appointment of Generals Cobb and Mickle

was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Melton	—25
Bailes	Foshee	King	O'Bannon	
Baker	Gilmore	Lindsey	Owen	
Branyon	Givhan	Littleton	Vacca	
Clark	Harris	Lybrand	Wilder	
Cook	Hawkins	Malone	Wilson	
Dominick	Horne			

Nays: —0

RESOLUTIONS

Mr. Clark offered the following Senate Joint Resolution, to-wit:

S. J. R. 114. URGING ALABAMA EDUCATORS TO PROVIDE AN OPPORTUNITY FOR STUDENTS TO BEGIN LEARNING THE UNIVERSAL METRIC SYSTEM OF MEASUREMENT EXPECTED TO

BE ADOPTED OFFICIALLY IN THE UNITED STATES IN THE NEAR FUTURE

WHEREAS, Alabama is one of the nation's fastest growing industrial states, and;

WHEREAS, the United States of America is the only major industrial nation in the world that has not officially adopted the universal metric system as the principal system of measurement, and;

WHEREAS, Alabama and the United States are penalized in commercial transactions with other world powers because of restrictive industrial standards favoring the 90 per cent of the world's people living in nations using the metric system, and;

WHEREAS, the adoption of the metric system by the United States is but a matter of time and legislation is now pending in Congress to make this official, and;

WHEREAS, the metric system would aid the educational process of our state by simplifying the teaching of mathematics, thereby making it easier for students to learn math and mathematics related subjects, and;

WHEREAS, the Alabama Educational Association, the National Education Association, and other influential education organizations support the proposal that all students be provided an opportunity to learn the metric system, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they call upon the State Board of Education in cooperation with the State Superintendent of Education and the State Department of Education, to initiate programs at the earliest practicable opportunity to prepare Alabama's public schools and post secondary institutions to incorporate the metric system into the curriculum of our schools; and be it further

RESOLVED, the copies of this resolution be transmitted to members of the State Board of Education, the State Superintendent of Education, superintendents of city and county boards of education, presidents of post secondary institutions, members of the Alabama Education Study Commission and its staff, members of the Alabama Commission on Higher Education and its staff, and other concerned educational agencies in our state.

Which was read and referred to the Standing Committee on Rules.

Mr. Clark offered the following Senate Joint Resolution, to-wit:

SENATE JOINT RESOLUTION NO. 115

WHEREAS, capital gains tax treatment of timber under the Internal Revenue Code has been the major factor responsible for the fast progress in Alabama and the nation in forest management and the growth of forest resources during the past half century; and

WHEREAS, the substantial elimination of capital gains treatment for the owners of forest lands would constitute the most severe setback in this generation to the growth of forest products; and

WHEREAS, increased consumer demand for wood and paper products, pressures on outdoor recreation resources, and the environmental benefits of timber growth and utilization have all focused greater attention on renewable forest lands, both public and private, to the extent that our nation has seen a reversal of earlier trends of the past

thirty years whereby the harvest of forest resources was exceeding the regeneration; and

WHEREAS, the jobs of thousands of employees and many hundreds of communities are affected by the forest industries of Alabama and would be jeopardized by the elimination of capital gains treatment of timber.

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA STATE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That we do hereby resolve to memorialize Congress to preserve the current taxation method of applying capital gains upon the disposition of forestry products.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to all members of the Alabama Congressional Delegation, and to the Chairman of the Ways & Means Committee of the U. S. House of Representatives.

Which was read and referred to the Standing Committee on Rules.

Mr. Harris offered the following Senate Joint Resolution, to-wit:

S. J. R. 116. AUTHORIZING A STUDY AND ANALYSIS OF THE HIGHWAY PROGRAM OF THE STATE OF ALABAMA

WHEREAS, it is recognized that the highway program of the State of Alabama, including the construction and maintenance of modern and safe highways throughout the state is absolutely essential to the safety, well being and prosperity of the people of this state; and

WHEREAS, it is considered that the presently authorizeed level of state indebtedness for highway construction cannot be increased within the current level of highway user revenues without jeopardizing essential operational and maintenance activities; and

WHEREAS, it is further recognized that the cost of providing and maintaining modern and safe highways has increased to the point where, without proper planning and efficient utilization of highway user revenues, this state may become unable to sustain indefinitely its obligations in the area of highway construction and maintenance; and

WHEREAS, it is also recognized that, by reason of their very nature most highway construction programs cannot be reasonably undertaken so as to conform with the periodic changes of the Chief Executive of this State and that the planning and programming of highway construction should be accomplished with the absolute purpose of efficient and effective investment of highway user revenues and without regard to cyclic changes of administration; and

WHEREAS, it is essential to the most effective and efficient utilization of highway revenues and to the strengthening of a modern and safe highway program that the highway department of this state be organized and operated in accordance with the most modern and effective management technology; and

WHEREAS, it is recognized that highway construction within this state is an industry of substantial economic importance affecting the lives and well being of thousands of its citizens;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That

1. The Legislative Council shall engage on behalf of the State of Alabama by contract or contracts reputable consultants who shall

make an exhaustive study and analysis of the entire highway program of this state, including the organization of the Highway Department, the funding of the state's highway program and the methods and procedures presently employed to plan and program highway construction and maintenance projects, and shall recommend to the Legislature of Alabama no later than January 1, 1975, a program including suggested legislation as will tend to achieve the following objectives:

a. The reorganization of the Alabama Highway Department in accordance with modern management techniques so as to enable that department to function as efficiently as possible and as nearly as possible without regard to or influence by periodic changes in the office of the State's Chief Executive.

b. The establishment of a procedure for formulating a long range program for highway construction and maintenance.

c. The provision of adequate funding for a long range program for highway construction and maintenance, including suggestions as to new or increased revenues.

d. The stabilization and clear delineation of the relative responsibilities of the state, the counties and the municipalities with respect to highway construction and maintenance.

2. In conducting the study and analysis herein authorized the firm or firms to be employed shall consult and advise with those segments of industry within Alabama, including trade associations which are directly involved in highway construction and maintenance.

3. The maximum amount that may be expended in connection with contracts authorized hereunder shall be \$175,000, which shall be paid from funds appropriated for the use of the Legislature and shall be paid upon approval by the chairman of the Legislative Council.

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 698. To make appropriations from the general fund in the State Treasury to the Board of Corrections Fund to be used for Law Enforcement Planning Agency matching funds for the fiscal years ending September 30, 1974 and 1975.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Dozier	King	O'Bannon
Bailes	Fine	Littleton	Owen
Baker	Gilmore	Lybrand	Vacca
Branyon	Harris	Melton	Weaver
Carr	Horne	Noonan	Wilder
Cook	Jones		

—21

Nays:

—0

The Bill:

S. 585. Amending Section 77 of Title 41, Alabama Code, 1940,

requiring the execution of bonds by a tax collector, so as to provide a formula for determining the amount of the bond.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Melton	
Bailes	Fine	Jones	O'Bannon	
Baker	Foshee	King	Pierce	
Branyon	Gilmore	Lindsey	Weaver	
Carr	Givhan	Littleton	Wilder	
Clark	Harris	Lybrand		—22
<i>Nays:</i>				—0

BILLS RE-REFERRED

Mr. Malone moved that the Bill, H. B. 1878, be removed from the Calendar and re-referred to the Standing Committee on Local Legislation No. 2, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 1878, re-referred to the Standing Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 137. To amend Title 52, Section 166 of the Code of Alabama of 1940; to provide that the city board of education shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to all teachers employed by the board; and to provide that such written policies and written amendments thereto shall be filed with the state superintendent of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 137, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 137

Amend S. B. 137 by adding the following language after the word "employees" in line 10, Section 1: "and in addition shall also consult with professional assistants, principals, teachers, and interested citizens."

Yeas 22; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Malone	
Bailes	Fine	King	Melton	
Baker	Foshee	Lindsey	Noonan	
Branyon	Givhan	Littleton	Vacca	
Carr	Harris	Lybrand	Wilder	
Clark	Hawkins	McLain		—22
<i>Nays:</i>				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 138. To amend Title 52, Section 73 of the Code of Alabama of 1940; to provide that the county board of education shall adopt written policies with regard to education and to provide that such written policies shall be made available to all employees of the board.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 138, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 138

Amend S. B. 138 by adding the following language after the word "employees" in line 9, Section 1: "and in addition shall also consult with professional assistants, principals, teachers, and interested citizens."

Yeas 18; Nays 0.

Yeas:

Messrs.:	Dozier	Hawkins	Melton	
Bailes	Fine	Lindsey	Pierce	
Baker	Foshee	Littleton	Vacca	
Branyon	Givhan	Lybrand	Wilder	
Carr	Harris	McLain		—18

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

S. 300. To amend further Sections 2 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts 1951, p. 259) as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans.
was taken up.

The Standing Committee on Military reported the following substitute for the Bill, S. B. 300, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 300

A BILL
TO BE ENTITLED
AN ACT

To amend further Sections 1, 2 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts 1951, p. 259) as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 47, H. 29, Regular Session 1951

(Acts 1951, p. 259), as last amended, is hereby further amended to read as follows:

"Section 1. Any child whose father or mother (a) was killed or died in line of duty or is listed as missing in action or whose deaths or permanent total disabilities were service connected while serving as a member of the armed forces between the dates of April 7, 1917, and November 11, 1918, as to World War I and December 7, 1941, and December 31, 1946, as to World War II, or at any time after December 31, 1946, and prior to June 27, 1950, if such service has been ruled extra hazardous, June 27, 1950, and January 31, 1955, as to the Korean Conflict, or at any time after January 31, 1955, and prior to August 5, 1964, if such service has been ruled extra hazardous, or at any time after August 4, 1964, but before the end of the Vietnam War period as determined by the President or the Congress of the United States, or at any time thereafter in such service has been ruled extra hazardous; or (b) died from a disability incurred from military service during any of the above periods and circumstances specified in Section 1 (a), as established by the State Department of Veterans Affairs, after having been discharged under conditions other than dishonorable and after having served at least ninety days consecutively in the armed forces prior to and/or subsequent to the date on which such disability occurred, or who was honorably discharged by reason of wartime, service-connected disability after serving less than ninety days; or has been assigned 100 percent permanent or total disabilities rated by the United States Veterans Administration, or was discharged or retired from the Armed Forces with a 40 percent or more and maintained that percentage shall be interpreted to mean Disabled Veteran; may attend any Alabama State Institution of higher learning, College or University for a period of four standard academic years of nine months each, not to exceed thirty-six months or the equivalent of thirty-six months if enrolled part-time, without paying any tuition, fees or books whatsoever for such college or university attendance, or any such child may take a prescribed course in any Alabama State trade school for the length of any prescribed course of study of his or her choosing, with remaining entitlement may be taken in College or University only, without the payment of any tuition fees or books whatsoever. Training under this section must be initiated prior to the child's twenty-sixth birthday, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this Act beyond the thirty-fourth birthday of such child. A child whose father or mother is a prisoner of war while serving as a member of the armed forces in the Vietnam War period as defined herein, may receive training under this Act."

Section 2. Section 2 of Act No. 47, H. 29, Regular Session 1951 (Acts 1951, p. 259), as last amended, is hereby further amended to read as follows:

"Section 2. Any wife or widow whose husband, during their marriage, (a) was killed or died in line of duty or is listed as missing in action or as a prisoner of war while serving as a member during any of the periods and circumstances specified in subsection (a) of Section 1 of this Act; (b) died from a disability incurred from military service during any of the periods and circumstances specified in subsections (a) and (b) of Section 1 of this Act; or (c) is 100 percent permanently and totally disabled whose permanent and total disabilities were service-connected and incurred during the periods or under circumstances specified in Section 1 of this Act, shall be entitled to training in any Alabama state-supported college or university, for a period of four standard academic years of nine months each, not to exceed thirty-six months or to training for the equivalent of thirty-six

months if enrolled part-time or to training in a prescribed course in a state-supported trade school, and if such course does not require the full thirty-six months then training for the remainder of such thirty-six months entitlement may be taken at a state-supported college or university only, without the payment of any tuition, fees or books, whatsoever. One change of program will be allowed without counseling. A wife shall be eligible for these benefits only during the period in which her husband is listed as missing in action or is serving as a prisoner of war. It is provided, however, that in order for such wife or widow to be eligible for the benefits receivable under this section, she must, except where unable to do so because of circumstances beyond her control, begin her educational training within ten years after the effective date of this section or within five years after the death of the veteran, whichever occurs later. All training received under this section must be completed within eight years after the beginning date of the four-year course. This section shall not apply to the widow of any such deceased serviceman or veteran who has remarried prior to applying for and obtaining educational benefits under this section and should any such widow of such deceased serviceman or veteran remarry during the time she is in attendance upon any of the schools, colleges, or universities mentioned in this section, then she shall pay tuition and fees for her course of study or attendance upon such school, college, or university from the time of her remarriage." (Available in addition to Federal Government Benefits)

Section 3. Section 3 of Act No. 47, H. 29, Regular Session 1951, (Acts 1951, p. 259), as last amended, is hereby further amended to read as follows:

"Section 3. The wife and children of any veteran who is suffering from forty to ninety percent service-connected disability brought about from service in the armed forces of the United States, or the widow and children of a deceased veteran who was suffering from forty percent or more of service-connected disabilities at the time of his death, provided such disabilities as are mentioned herein are incurred from military service during any of the dates and circumstances specified in Section 1 (a), as established by the state department of veterans affairs, shall be entitled to the following educational advantages and opportunities:

"The wife or widow, as the case may be, shall be entitled to up to eighteen months of schooling or the equivalent of eighteen months if enrolled part-time, upon any Alabama state-supported institution of higher learning, college or university, or to a prescribed course in any Alabama state-supported trade school without the payment of any tuition, fees or books. One change of program will be allowed without counseling. It is provided, however, that all training received at state institutions of higher learning or state trade schools under the provisions of this paragraph must be completed within a period of six years after the beginning date of such two-year course or such prescribed course.

"Each child of such disabled veterans shall be entitled to four standard academic years, not to exceed nine months each attendance, or the equivalent of thirty-six months if enrolled part-time in any Alabama state-supported institution of higher learning, college or university, or to a prescribed course at an Alabama state-supported trade school. If the course of training at the trade school does not require the full time to which such child is entitled hereunder, then the remaining entitlement may be taken in a state-supported college or university only, without payment of any tuition, fees or books. One change of program will be allowed without counseling. Training under this paragraph must be initiated prior to the child's twenty-six birth-

day, and must be completed within eight years after its initiation, except for delays caused by military service during the training period, and in no case may training be received under this section beyond the thirty-fourth birthday of such child. Benefits hereunder are available in addition to Federal Government benefits). Any child, wife or widow who was denied full entitlement, eighteen or thirty-six months whichever the case maybe, shall have the remainder of their entitlement re-instated under this Act."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Register
Bailes	Fine	King	Shelby
Baker	Givhan	Littleton	Vacca
Carr	Harris	Lybrand	Weaver
Clark	Hawkins	Melton	Wilder
Cook	Horne	Owen	Wilson

—23

Nays:

—0

And said Bill, S. B. 300, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Cook	Horne	Owen
Bailes	Dozier	Jones	Register
Baker	Fine	King	Vacca
Branyon	Givhan	Lindsey	Wilder
Carr	Harris	Littleton	Wilson
Clark	Hawkins	Lybrand	

—22

Nays:

—0

The Bill:

H. 756. To provide for the creation of a department of the state to be known as the Department of Youth Services; to prescribe the powers and duties of the said department; to provide for the creation of the Alabama Youth Services board; to provide for the selection of the members of the said board; to prescribe the powers and duties of the board; to provide for the appointment of a State Youth Services Director, and to prescribe the powers, duties, and qualifications of the said Director; to transfer control of the state training schools to the department; to provide court review of the decisions of the said board; to provide for reports to the Governor; to provide for the submission of an annual budget; to require competitive bidding; to authorize medical, psychiatric, surgical, and dental care for the youth of the state; to provide for the treatment, education, and disposition of youth in the custody of the said department of the said board; and to prescribe penalties for the violation of this Act.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Melton
Bailes	Fine	King	O'Bannon
Baker	Foshee	Lindsey	Owen
Branyon	Givhan	Littleton	Pierce
Carr	Harris	Lybrand	Register
Clark	Hawkins	McLain	Vacca
Cook	Horne	Malone	Wilder

—27

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 506. To create the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census; to prescribe the powers, duties and authority of the Ex-officio Judge; to provide for the appointment of such Ex-officio Judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him, and to provide a Supervisory Board, and prescribe its authorities and responsibilities.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 506, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 506

A BILL TO BE ENTITLED AN ACT

To create the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census; to prescribe the powers, duties and authority of the Ex-officio Judge; to provide for the appointment of such Ex-officio Judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him, and to provide a Supervisory Board, and prescribe its authorities and responsibilities.

Be It Enacted by the Legislature of Alabama:

Section 1. In Judicial Circuits in Alabama composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people, according to the last or any subsequent decennial Federal census, the office of Ex-officio Judge of all county courts exercising original jurisdiction over general misdemeanors is hereby created.

Section 2. A Supervisory Board is hereby created. Said Supervisory Board shall be composed of all of the Circuit Judges of said County, the Judges of all county courts in said county, the Probate Judge of said county, the Public Defender of said county and the District Attorney of said county. The Chairman of this Supervisory Board shall be the Presiding Circuit Judge of said county. In addition to the duties and authorities of the Supervisory Board as elsewhere set out in this Act, it shall be the authority and duty of the Supervisory Board to advise the Ex-officio Judge in matters of law and to direct such officer in the general conduct of the office.

Section 3. The office of Ex-officio Judge shall be subject to the general supervision of the Supervisory Board, and such officer shall hold office subject to the provisions of the Civil Service or Merit System of the county.

Section 4. The Ex-officio Judge shall be an officer of the county, appointed by the Supervisory Board as other officers of the county subject to civil service or merit system of the county are chosen or appointed, except, however, that any such Ex-officio Judge holding such office at the time of the passage of this Act shall be the first such Ex-officio Judge under this Act, and shall be deemed to hold permanent status as such civil service or merit system officer.

Section 5. It shall be the duty of said Ex-officio Judge, or his duly and legally constituted assistant or assistants to issue legal process from said court, to take affidavits and to issue warrants of arrest returnable to such court, to examine complaints and witnesses and to examine into facts preliminary to the issuance of a warrant of arrest as required by law, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant of arrest issued by him and to keep a record of all warrants handled by him as Ex-officio Judge. Said Ex-officio Judge or his duly and legally constituted assistant or assistants shall be such magistrates as have power and authority to issue search warrants.

Section 6. Suitable space and stationary, equipment, supplies and assistants necessary for the conduct of said office shall be furnished by the Board of County Commissioners, Board of Revenue, or like governing body of the County to the Ex-officio Judge.

Section 7. The Supervisory Board shall have the authority to recommend the salary or any increase or decrease thereof, but the Board of County Commissioners shall have the authority to set the salary or salaries in the customary manner. Provided, however, it shall not be less than \$10,000.00 nor more than \$15,000.00 per annum; which sum shall be paid from the general fund of the county in equal installments as salaries of other county officers are paid.

Section 8. The Supervisory Board is hereby empowered to recommend the employment of an assistant to the Ex-officio Judge, or as many such assistants to the Ex-officio Judge as the Supervisory Board may deem to be necessary and desirable, and such assistant or assistants to the Ex-officio Judge shall have the same power and authority as herein granted to the Ex-officio Judge in the absence of the Ex-officio Judge or when acting under the direction and supervision of the Ex-officio Judge. Such assistant or assistants may be full time or part time officials as said County Commissioners shall decide or deem advisable.

Section 9. The assistant or assistants for such Ex-officio Judge shall be covered by the civil service or merit system of such county.

Section 10. The assistant or assistants to the Ex-officio Judge shall receive such compensation as the County Commission shall deem

to be, reasonable and proper, and in this determination the County Commission shall be guided by, but not bound by, the recommendation of the Ex-officio Judge and the Supervisory Board. Such compensation shall be payable out of the general fund of the county as compensation of other county officers are paid.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce
Bailes	Gilmore	McLain	Register
Branyon	Givhan	Melton	Shelby
Clark	Harris	Noonan	Vacca
Cook	Hawkins	O'Bannon	Weaver
Dominick	Jones	Owen	Wilson
Edington	Littleton		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 461. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than four nor more than six Circuit Judges.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 461, the title of which is set out in the foregoing Message from the House, to-wit:

Amend S. B. 461, Section 1, by striking the figures "40%" in line six of said section and inserting in lieu thereof the following: "25%".

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Owen
Bailes	Foshee	Lybrand	Pelham
Baker	Gilmore	McLain	Register
Carr	Harris	Malone	Shelby
Clark	Hawkins	Melton	Vacca
Dominick	Horne	O'Bannon	Wilder
Dozier	Jones		

—25

Nays:

—0

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 76. To amend Code of Alabama 1940, Title 51, Sections 879 and 882, so as to withdraw and take away from the director of revenue of Jefferson County all duties, liabilities and responsibilities relative to the issuance, recording and reporting of marriage licenses, and to place such duties, liabilities and responsibilities on the probate judge of such county; and to provide for the transfer of marriage license records from the director of revenue of Jefferson County to the probate judge of such county.

Also:

S. 694. To empower industrial development boards organized (under the provisions of Act No. 648 enacted at the 1949 Regular Session of the Legislature of Alabama, as amended) in any municipality located (in whole or in part) in any county having a population of 600,000 or more, according to the last or any subsequent Federal decennial census, to acquire (by construction or otherwise), enlarge, improve, replace, own, lease, dispose of and grant options for the purchase of facilities and properties (whether real or personal or both) designed or suitable for use both as data processing and computer centers and as national or regional headquarters for the business or businesses owning or operating such data processing centers.

Also:

S. 704. Relating to DeKalb County; fixing the salaries of Judge of Probate Court, Circuit Clerk, Tax Assessor, Tax Collector and Judge of Inferior Court, and to provide payment of such salaries; and providing for a referendum thereon.

Also:

S. 803. Proposing an amendment to the Constitution of Alabama authorizing the levy and collection of a special property tax and the issuance and sale of bonds by Tuscaloosa County, the proceeds of which shall be used for the development of parks and multi-recreation areas, and other recreational purposes.

Also:

S. 804. To require the county commission or like governing body of Tuscaloosa County to call an election to determine the sentiment of the voters of the county: (1) relative to levying additional ad valorem tax for developing parks and multi-recreation areas or facilities, as authorized by the amendment to the Constitution of 1901 proposed by an Act of the 1973 Regular Session, and (2) relative to the incurring of a debt and the issuance of bonds as authorized in such amendment.

Also:

S. 809. To amend Section 1 of Act No. 1737, H. 2566, Regular Session 1971 (Acts 1971, p. 2902), entitled: "An Act to alter or re-arrange the boundary lines of the Town of Fyffe, DeKalb County, Alabama, so as to include within the corporate limits of said town all lands lying with-

in the lands hereinafter described," so as to correct certain discrepancies in the description of the boundary lines.

Also:

S. 810. To amend Section 8 of Act No. 1286, H. 1694, Regular Session 1971, approved September 17, 1971, which Act established a Public Defender Office in all counties having a population of not less than 110,000 nor more than 150,000, by increasing the maximum annual compensation allowed to secretarial, stenographic and clerical assistants and providing for the positions of Investigators for the Public Defender Office and setting the maximum annual compensation therefor.

Also:

S. 812. Relating to Tuscaloosa County; to increase the number of appointed members of the Tuscaloosa City Board of Education from five to seven.

Also:

S. 816. Applicable to Conecuh County; to provide that no claim presented to the Conecuh County Commission need be sworn to and that no testimony need be presented as to whether any part of such claim having been previously paid.

Also:

S. 822. Relating to all counties having populations of not less than 16,350 nor more than 16,650, providing an allowance for secretarial assistance for the register in equity under certain conditions.

Also:

S. 830. To amend Act No. 61, S. 151, Regular Session 1971, (Acts 1971, p. 324), which act creates the Etowah County Solid Waste and Park and Recreation Authority, so as to remove the state senator from Etowah County from membership of such Authority at the end of current term of office of said senator.

Also:

S. 807. To amend Section 1 of Act No. 37, H. 66 Organizational, Special and Regular Sessions 1971 (Acts 1971, p. 4170) as amended which applies in Shelby County, designating the number of employees authorized by the sheriff's department, compensation of such employees, and sheriff and residence requirements of such employees, and to repeal conflicting laws.

Also:

S. 400. Relating to Morgan County; to declare the public policy with respect to Sunday business activities; to allow the county and municipal governing bodies to adopt rules and regulations and prescribe penalties for Sunday business activities.

Also:

S. J. R. 32. Naming certain roads and highways in Tuscaloosa and Jefferson Counties "The Tannehill Trail".

Also:

S. J. R. 91. Honoring John Sydney Cook, III.

Also:

S. J. R. 92. Commending Paul Davis for his outstanding work in the field of journalism

Also:

S. J. R. 100. Commending Miss Gladys Marona for a job well done.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

S. 29. To amend Section 1 of Act No. 531, S. B. 101, Regular Session 1947, (Acts 1947, p. 388), as amended, which act provides for the compensation of members of the board of registrars.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, S. B. 29, to-wit:

AMENDMENT TO S. 29

Amend Section 1 of S. 29 by striking therefrom the following words:

"except in counties having more than 400,000 population according to the last federal census or any succeeding federal census,"

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Noonan
Bailes	Fine	King	O'Bannon
Baker	Foshee	Lindsey	Owen
Branyon	Gilmore	Littleton	Register
Carr	Givhan	Lybrand	Vacca
Clark	Harris	McLain	Wilder
Cook	Hawkins	Malone	Wilson
Dozier	Horne	Melton	

—30

Nays:

—0

And said Bill, S. B. 29, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Melton
Bailes	Edington	Jones	Noonan
Baker	Fine	King	Owen
Branyon	Gilmore	Lindsey	Pierce
Carr	Givhan	Littleton	Shelby
Cook	Harris	Lybrand	Vacca
Dominick	Hawkins	Malone	Wilder

—27

Nays:

—0

BILLS RE-REFERRED

Mr. Shelby moved that, in accordance with Senate Rule 50, the Bill, H. B. 1171, be removed from the Calendar and re-referred to the Standing Committee on Finance and Taxation, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 1171, re-referred to the Standing Committee on Finance and Taxation.

BILLS ON THIRD READING RESUMED

The Bill:

H. 985. To amend further Title 51, Section 21, Alabama Code 1940, by further exempting from taxation any tree, bush, vine or other growing thing from which a crop is harvested.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Melton	
Bailes	Fine	King	Noonan	
Baker	Foshee	Lindsey	O'Bannon	
Branyon	Gilmore	Littleton	Owen	
Carr	Givhan	Lybrand	Register	
Clark	Harris	McLain	Vacca	
Cook	Hawkins	Malone	Wilder	
Dominick	Horne			—29

Nays:

—0

The Bill:

H. 1792. To provide further for the compensation of the Clerk of the House and the Secretary of the Senate; providing for an annual salary for each of said officers and requiring that all fees received by them from the sale of bills introduced in the Legislature shall be paid into the State General Fund; to provide that the effective date of this act shall be January 1, 1974.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 1792, to-wit:

AMENDMENT TO H. B. 1792

Amend Section 1 of H. B. 1792 by adding on the third line after the word Legislature the following words:

“and printed at state expense”

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Fine	Hawkins
Bailes	Cook	Foshee	Horne
Baker	Dozier	Gilmore	Jones
Carr	Edington	Givhan	King

Lindsey	McLain	Noonan	Register	
Littleton	Malone	Owen	Wilder	
Lybrand	Melton			—25

Nays: —0

And said Bill, H. B. 1792, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Fine	King	Melton	
Bailes	Foshee	Lindsey	Owen	
Baker	Gilmore	Littleton	Register	
Carr	Givhan	Lybrand	Shelby	
Clark	Hawkins	McLain	Vacca	
Dozier	Horne	Malone	Wilder	
Edington	Jones			—25

Nay: Mr. Branyon —1

UNFINISHED BUSINESS

RESOLUTIONS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Resolution:

S. R. 113 — SETTING SPECIAL ORDERS

(The pending Bailes substitute, applying only to the Thirty-Third Legislative Day, was declared moot by the President and Presiding Officer.)

Mr. Harris offered the following substitute for the Resolution, S. R. 113, to-wit:

SUBSTITUTE TO S. R. 113

RESOLVED BY THE SENATE That the following bills be made special, paramount and continuing order of business for the Senate until disposed of, taking priority over all other bills on the calendar immediately upon adoption of the Resolution, and continuing on subsequent days on reaching Bills on Third Reading on the Regular Order of Business.

Page No.

1. H. B. 114	127	POW Bill
2. H. B. 388	50	Ad Valorem exemption for 65 and over
3. H. B. 1138	185	Industrial Site Development
4. H. B. 1136	183	Industrial Site Development
5. H. B. 324	171	Public School Bond Issue
6. H. B. 1273	192	Workmen's Compensation
7. H. B. 1258	118	Board of Appeals
8. H. B. 1259	119	Unemployment Compensation
9. H. B. 418	182	Alabama Turnpike Authority
10. H. B. 692	187	Alabama Turnpike Authority
11. H. B. 693	188	Alabama Turnpike Authority
12. H. B. 805	221	Insurance Premium — Tax Deduction
13. H. B. 269	53	State Docks

14. H. B. 270	54	State Docks
15. H. B. 1530	232	Pollution Control
16. H. B. 653	141	Supernumerary Judge Bill.
17. H. B. 324	171	Walker County Junior College
18. H. B. 979	188	Truck Weight Limits
19. H. B. 326	172	Marion Institute
20. H. B. 325	172	Lyman Ward
21. H. B. 112	171	Tuskegee Institute
22. H. B. 1571	201	U. A. B.

Which was adopted.

And said Resolution, S. R. 113, as thus amended by the substitute, was then adopted by the Senate.

MOTION TO RECONSIDER

Mr. Harris moved that the Senate reconsider the vote by which the Bill, H. B. 1792, as amended, was passed, and further moved that the motion to reconsider be postponed temporarily, which motion was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 1300. To amend Section 4 of Act No. 1292, H. 1795, Regular Session, (Acts 1971, p. 2220) providing for the office of commissioner and deputy commissioner of licenses in counties having a population of not less than one hundred fifteen thousand and not more than one hundred fifty thousand according to the last or any subsequent decennial federal census, so as to provide for the establishment of the deputy commissioner's salary, require such commissioner to be bonded, and take an oath of office.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 1300

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning the Senate's amendment to H. B. 1300 have met, considered the bill as amended, and have agreed to the following report:

1. We recommend that the Senate recede from its amendment to the bill.

2. We recommend that the bill be amended as follows and then passed by both houses.

AMENDMENT TO H. B. 1300

Amend H. B. 1300, Section 1, by striking the words "Said deputy commissioner shall be paid an annual compensation of one thousand (\$1,000) less than" and inserting in lieu thereof the following: "Said deputy commissioner shall be paid an annual compensation equal to 80 percent of".

Respectfully submitted,

John R. Culver

Tim Parker

Edward D. Robertson

Conferees on the part of the House

Richard C. Shelby

L. D. Owen Jr.

Obie Littleton.

Conferees on the part of the Senate

And said bill as thus amended by the Report of the Committee of Conference was again read at length and passed.

And said bill, together with the Report of the Committee of Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1300, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Fine	Littleton	Register	
Branyon	Foshee	Lybrand	Shelby	
Carr	Givhan	Malone	Vacca	
Clark	Hawkins	Melton	Wilder	
Cook	Horne	O'Bannon	Wilson	
Dominick	Jones			—25

Nays:

—0

And said Bill, H. B. 1300, as thus amended by the Conference Report, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Fine	Littleton	Register	
Branyon	Foshee	Lybrand	Shelby	
Carr	Givhan	Malone	Vacca	
Clark	Hawkins	Melton	Wilder	
Cook	Horne	O'Bannon	Wilson	
Dominick	Jones			—25

Nays:

—0

MOTION TO RECONSIDER

On motion of Mr. McLain, the Senate reconsidered the vote by which the Bill, H. B. 1909, as amended, was passed.

On motion of Mr. McLain, the Senate reconsidered the vote by which the Bill, H. B. 1909, as amended, was ordered to its third reading.

Mr. McLain then offered the following amendment to the Bill, H. B. 1909, as amended, to-wit:

Amendment to H. B. 1909.

Strike Section 8 and insert in lieu thereof the following:

Section 8. The Clerk of the 23rd Judicial Circuit of Alabama shall receive an annual salary of \$17,700 per annum for the fiscal year beginning October 1, 1973, \$18,900 per annum for the fiscal year beginning October 1, 1974 and \$20,000 per annum for the fiscal year

beginning October 1, 1975 and each year thereafter, which salary shall be paid in equal monthly installments from the General Fund of Madison County.

Which was adopted

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pelham	
Baker	Fine	Lybrand	Register	
Branyon	Gilmore	McLain	Shelby	
Carr	Givhan	Malone	Weaver	
Cook	Hawkins	Noonan	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier	Jones			—25

Nays: —0

And said Bill, H. B. 1909, as thus amended, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pelham	
Baker	Fine	Lybrand	Register	
Branyon	Gilmore	McLain	Shelby	
Carr	Givhan	Malone	Weaver	
Cook	Hawkins	Noonan	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier	Jones			—25

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

H. 1132. To provide a method by which an insurance company incorporated under the laws of this State may, by resolution of its board of directors, apply any part or all of its capital surplus to the elimination or reduction of any deficit, however incurred.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen	
Bailes	Fine	Lindsey	Pelham	
Carr	Foshee	Littleton	Shelby	
Clark	Hawkins	Lybrand	Vacca	
Cook	Horne	McLain	Wilder	
				—19

Nays: —0

The Bill:

H. 1023. To further identify creditable years of service under the Employees' Retirement System of Alabama, and Teachers Retirement System of Alabama.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham
Bailes	Foshee	Lindsey	Pierce
Baker	Gilmore	Littleton	Register
Branyon	Givhan	Lybrand	Shelby
Carr	Harris	Malone	Vacca
Clark	Hawkins	Melton	Weaver
Cook	Horne	Noonan	Wilder
Dozier	Jones	Owen	Wilson
Edington			

—32

Nays:

—0

The Bill:

H. 285. To authorize each of the municipalities in this State to provide buildings and other facilities for lease to and use by one or more regional, national or international association or organization, one or more of the purposes or objects of which shall consist of one or more of the following: the promotion of patriotism or good citizenship, the development of civic pride or consciousness, the improvement of trade, business, professional or economic conditions, or the promotion of health, safety, conservation, community beautification, or community welfare, and the membership of which regional, national or international association or organization shall include (1) persons, firms or corporations residing or domiciled in not less than twelve of the states of the United States, including at least two such members residing or domiciled in the State of Alabama, or (2) local organizations or clubs with like objects or purposes situated in not less than twelve of the states of the United States, including at least two such organizations or clubs situated in the State of Alabama; to authorize municipalities to acquire one or more projects consisting of buildings for the supplying of offices, storage and related facilities to such regional, national or international organizations, together with any lands or interests therein deemed desirable in connection therewith, to improve, enlarge, expand, equip, furnish, insure and maintain one or more such projects, to lease such properties subject to certain specified requirements, to finance the cost of such acquisition, improvement, enlargement, expansion, equipment and furnishing by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties and to enter into contracts and agreements and to do all acts necessary for or incidental to the performance of the duties and the execution of the powers of a municipality under said Act; to provide that such bonds shall not be subject to the laws of the State of Alabama governing usury; to authorize the refunding of any such bonds; to provide for remedies in the event of default respecting any bonds issued under the Act; to exempt from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder and any deeds or other documents whereby properties are acquired by a municipality under the Act; to prohibit any municipality from making contributions to the cost of any such properties and from furnishing land therefor; to provide that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; to provide that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; to provide the purposes for which the proceeds from the sale of such bonds may be used; to provide that the

provisions of Act No. 217 of the 1967 Special Session of the Legislature which relate to competitive bidding shall not be applicable to any contracts made by municipalities under the Act; and to provide that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Pelham	
Bailes	Foshee	Lindsey	Shelby	
Baker	Givhan	Lybrand	Vacca	
Clark	Harris	McLain	Wilder	
Cook	Hawkins	Malone	Wilson	
Dozier	Horne			—21

Nays:

—0

The Bill:

H. 205. Relating to taxation: exempting the Episcopal Foundation of Jefferson County and the Alabama Heart Association and their property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

was taken up.

Mr. Hawkins offered the following amendment to the Bill, H. B. 205, to-wit:

AMENDMENT TO H. B. 205

Amend the title and Sections 1 and 2 by adding immediately preceding the words the Episcopal Foundation of Jefferson County the words:

the Alabama Society of the Daughters of the American Revolution, Shrine Temples of A. P. O. N. M. S.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Fine	Jones	Melton	
Bailes	Foshee	Lindsey	Pelham	
Baker	Givhan	Littleton	Shelby	
Clark	Harris	Lybrand	Vacca	
Cook	Hawkins	McLain	Wilder	
Edington	Horne	Malone	Wilson	—23

Nays:

—0

And said Bill, H. B. 205, as thus amended, was then read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Baker	Dozier	Fine
Bailes	Cook	Edington	Foshee

Givhan
Harris
Hawkins
Horne

Jones
Lindsey
Littleton
Lybrand

Malone
Melton
Owen
Pelham

Shelby
Vacca
Wilder
Wilson

—23

Nays:

—0

MOTION TO RECONSIDER

On motion of Mr. Bailes, the Senate reconsidered the vote by which the Bill, H. B. 1792, as amended, was passed.

On motion of Mr. Bailes, the Senate reconsidered the vote by which the Bill, H. B. 1792, as amended, was ordered to its third reading.

On motion of Mr. Bailes, the Senate reconsidered the vote by which the amendment reported by the Standing Committee on Commerce, Transportation and Common Carriers was adopted.

On motion of Mr. Bailes, said amendment was laid on the table.

And said Bill, H. B. 1792, was again read a third time at length and passed.

Yeas 24; Nays 2.

Yeas:

Messrs.:
Bailes
Carr
Clark
Cook
Dozier
Edington

Fine
Foshee
Gilmore
Givhan
Harris
Horne

Jones
King
Lindsey
Lybrand
McLain
Melton

Owen
Pelham
Shelby
Vacca
Wilder
Wilson

—24

Nays:

Messrs.:

Baker

Dominick

—2

BILLS ON THIRD READING RESUMED

The Bill:

H. 1248. To supplement Act No. 107 adopted at the 1965 First Special Session of the Legislature of Alabama, as heretofore amended, so as to provide a comprehensive system of law applicable to any corporation organized pursuant to the said Act, the service area of which includes a resort area and which has obtained the express approval of the governing body of each county in which it carries on its operations to exercise the powers conferred hereby; to permit such a corporation to construct improvements consisting of sanitary sewers and sewer facilities in resort areas located within its service area which are outside the corporate limits of any municipality and within the service area of such corporation; to provide a method for the assessment of the cost of any such improvements against the property abutting on, or drained, served, or benefited by such improvements; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for public advertisement for bids for the construction of the improvement; to provide for super-

vision of the work; to provide for the levy of assessments on the property benefited by any improvement; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for any defects or errors therein; to provide for a hearing on the proposed assessments and making the same final; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide a system for appeals from the making of such final assessment; to provide a system for payment of all assessments and for default in such payments; to authorize lands subject to such liens to be sold in satisfaction thereof and a system for the redemption of such lands after any such sale; to establish a procedure for the termination of any right of redemption; to provide a system for the issuance of notes or bonds to finance any such improvements; to exempt any securities issued hereunder from Chapter 6 of Title 12 of the Code of Alabama of 1940, as heretofore or hereafter amended; to specify requirements with respect to any such notes or bonds; to require public sale thereof with certain exceptions; to provide for the refunding thereof under specified circumstances; to provide that any such bond shall be incontestable after a specified period; to provide that all such bonds and notes and the interest thereon shall be exempt from taxation; to provide for the replacement of lost, destroyed or mutilated bonds and for the refunding of outstanding bonds; to establish sinking fund accounts for the payment of bonds and for the grouping of improvements for a single bond issue; to specify the use of funds received from the said assessments and to establish liability on official bonds for the handling of such funds; to provide for a refund of excess collections in certain circumstances; to provide for the effect of annexation or incorporation of an area in which assessments have been made; to provide for the severability of the provisions of this act and for the repeal of inconsistent laws; and to establish the effective date of this act.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Pelham
Bailes	Gilmore	Littleton	Pierce
Baker	Givhan	Lybrand	Register
Branyon	Hawkins	Malone	Shelby
Carr	Horne	Melton	Vacca
Dozier	Jones	Noonan	Wilder
Edington	King	Owen	Wilson
Fine			

—28

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House of Representatives accedes to the request of the Senate and returns House Bill 1268.

H. 1268. Relating to Henry County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298) as amended, and the Code of Alabama, 1940, Title

51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act.

JOHN W. PEMBERTON,
Clerk.

MOTION TO RECONSIDER

On motion of Mr. Clark, the Senate reconsidered the vote by which the Bill, H. B. 1268, was passed.

On motion of Mr. Clark, the Senate reconsidered the vote by which the Bill, H. B. 1268, was ordered to its third reading.

Mr. Clark then offered the following amendment to the Bill, H. B. 1268, to-wit:

AMENDMENT TO H. B. 1268

Strike out in its entirety Section 12 of the bill and insert in lieu thereof the following:

Section 12. This Act shall be inoperative and void unless it shall have been approved by a majority of the qualified electors of Henry County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution, and shall be held on the same day as the next general, special, or primary election held in the county after final passage of this Act. Notice of the election shall be given by the judge of probate of Henry County, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the proposition to be voted on shall be stated substantially as follows:

"Do you favor local Act No. _____, H. B. 1268, approved _____, 1973, levying a county sales tax and a county use tax for the purposes of the General Fund and public schools? Yes () No ()." If a majority of the votes cast at the election are affirmative votes, this Act shall be in full force and effect immediately thereafter. If a majority of the votes cast are in the negative, the Act shall have no further effect. The judge of probate of Henry County shall certify the results of the election to the Secretary of State and to the State Commissioner of Revenue.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pelham
Baker	Foshee	McLain	Pierce
Branyon	Gilmore	Malone	Register
Carr	Harris	Melton	Shelby
Clark	Hawkins	Noonan	Weaver
Cook	Jones	O'Bannon	Wilson
Dominick	King		

—25

Nays:

—0

And said Bill, H. B. 1268, as thus amended, was again read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pelham	
Baker	Foshee	McLain	Pierce	
Branyon	Gilmore	Malone	Register	
Carr	Harris	Melton	Shelby	
Clark	Hawkins	Noonan	Weaver	
Cook	Jones	O'Bannon	Wilson	
Dominick	King			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 619. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959, (Ala. Acts, 1959, p. 1376) as amended by Act No. 991 of the Regular Session of the Legislature of Alabama of 1971, approved September 7, 1971 (Ala. Acts, 1971, p. 1783), and amended by Act No. 1576 of the Regular Session of the Legislature of Alabama of 1971, approved September 17, 1971 (Ala. Acts, 1971 p. 2692), which act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts 1951, p. 1579) as amended, which 1951 Act established a pension system for officers and employees of each city of the state having a population of 250,000 or more, according to the latest or any subsequent federal census.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Messrs. Timmons, Falkenburg and Doss.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 619, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pelham	
Bailes	Gilmore	McLain	Pierce	
Baker	Givhan	Malone	Register	
Clark	Hawkins	Noonan	Shelby	
Cook	Horne	O'Bannon	Vacca	
Dominick	King	Owen	Wilson	
Edington	Lindsey			—25

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Cook, King and Hawkins.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 620. To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq) entitled as amended "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the most recent federal decennial census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority to any county in which any such city may be located."

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Messrs. Timmons, Falkenburg and Doss.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 620, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pelham	
Bailes	Gilmore	McLain	Pierce	
Baker	Givhan	Malone	Register	
Clark	Hawkins	Noonan	Shelby	
Cook	Horne	O'Bannon	Vacca	
Dominick	King	Owen	Wilson	
Edgington	Lindsey			—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Cook, King and Hawkins.

BILLS ON THIRD READING RESUMED

The Bill:

H. 610. To create a committee to study and review state government audit agencies and audit practices; to provide for the appointment of its members and to fix their terms of office; to prescribe

the functions and duties of the committee; to provide for the compensation of its members and payment of its expenses; and to make an appropriation for the use of the committee.

was taken up.

On motion of Mr. Bailes, further consideration of the Bill, H. B. 610, was postponed until the next legislative day as Unfinished Business.

The Bill:

H. 677. Further amending Code of Alabama 1940 Title 22, Sections 23, 24, 25, 26, 27, 28, 29, 30, 31 and adding Section 31 (1), relating to Vital Statistics; providing for registration of death by the funeral director and filing a certificate of death by the attending physician or coroner in certain cases.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following substitute for the Bill, H. B. 677, to-wit:

SUBSTITUTE FOR H. B. 677

A BILL TO BE ENTITLED AN ACT

Further amending Code of Alabama 1940, Title 22, Sections 23, 24, 25, 26, 27, 28, 29, 30, 31 and adding Section 31 (1), relating to Vital Statistics; providing for registration of death by the funeral director and filing a certificate of death by the attending physician or coroner in certain cases.

Be It Enacted by the Legislature of Alabama:

Section 1. Code of Alabama 1940, Title 22, Section 23, be amended to read as follows:

"Section 23. Receipts for burial or removal of dead bodies within the state prescribed. No dead human body shall be buried, cremated, or otherwise disposed of, or removed from or into any registration district, or be temporarily held pending further disposition more than seventy-two hours after death, unless a receipt for burial, removal, or other disposition thereof shall have been properly issued in the registration district in which the death occurred, or in which the body was found, and all receipts shall be issued by the person engaged in the disposition of the body and a copy sent directly to the local registrar. Blank receipts to be secured from the county health department. Prior to release of body a receipt must be received by the institution, hospital, nursing home from the person or persons engaged in the disposition of the body. It is unlawful for institutions, hospitals, nursing homes to release a body without receiving a receipt. In all cases the funeral director or other person in charge of interment or disposing of the body shall prepare and deliver a copy of the receipts to the local registrar either delivered in person or mailed. In addition, it is the duty of the funeral director to provide non-medical information or a completed certificate to the local registrar within five days after the death is known. Non-medical information includes the name of the physician, if any. These forms are to be prescribed and distributed by the state registrar upon approval by the state board of health."

Section 2. Code of Alabama 1940, Title 22, Section 24, to be amended to read as follows:

"Section 24. Fetal death registration. A certificate of every fetal death shall be filed with the local registrar of the district in which the fetal death occurs within three days after the occurrence is known; except that a certificate shall not be required if the fetus has not advanced to or beyond the twentieth week of uterogestation. If the place of fetal death is not known then the certificate shall be filed with the local registrar of the district in which the fetus is found. It shall be the duty of the attending physician or midwife, to prepare a certificate of fetal death, properly filled out on a blank provided by the state board of health. The attendant on a fetal death, physician or midwife, shall sign the certificate and give his or her address and date of signature, together with such medical data pertaining thereto as he can furnish. In case of plural fetal deaths, a separate certificate shall be made for each child. If there be no attending physician or midwife, then it shall be the duty of the father or mother, or manager of the premises or institution, to prepare the certificate and to deliver same within three days to the registrar of the district in which the event took place. If there is interment of stillborn child, the person in charge shall be responsible for filing certificate.

Section 3. Code of Alabama 1940, Title 22, Section 25, be amended to read as follows:

"Section 25. Death registration. A certificate of death shall be filed with the local registrar of the district in which the death occurred within five days after the occurrence is known; or if the place of death is not known then with the local registrar of the district in which the body is found or death is pronounced. The funeral director, or other person in charge of interment, shall be responsible for obtaining and filing the certificate of death to local registrar with the non-medical data being completed. He shall obtain the personal and statistical particulars from the person best qualified to supply them. The funeral director shall record information to show place of death, date of death, proposed date and place of burial, or other disposition, over his signature and address. If it was a hospital death, data may be obtained from the hospital records. The funeral director shall then present the certificate to the local registrar with the name of the attending physician, if any, within five days after the death is known. In the case of any death that occurs without medical attendance, it shall be the duty of the funeral director, or other person in charge of interment, to notify the local county health officer, or the coroner of there is no county health officer by presenting the certificate to the local registrar.

Certificates of death if tendered sixty days or more after death must be authenticated by such sworn statements as the state board of health shall prescribe and filed with the state registrar. Nothing in this section shall exempt physicians or funeral directors or any other person in charge of interment from filing stillbirth and certificates of death as prescribed elsewhere in this chapter. At no time shall the funeral director inter a body without physician or county health officer or coroner approval if there is suspicion by the funeral director that death occurred from unnatural causes."

Section 4. Code of Alabama 1940, Title 22, Section 26, be amended to read as follows:

"Section 26. Medical portion of certificate of death. The medical certification of cause and time of death shall be completed, signed and filed by the attending physician, if any, otherwise the medical certification shall be made and signed by the county health officer

or coroner as may be appropriate. The medical certification of the certificate of death shall be properly completed and returned to the local registrar within three days after receipt of the certificate. The attending physician shall certify the disease or condition directly leading to death, antecedent causes and conditions contributing to the death and such other medical data as may be required by the state registrar to properly classify the death. He shall also specify the time in attendance, the time he last saw the deceased alive, the hour of the day at which death occurred, except deaths referred to the coroner. For the purposes of this act, an attending physician is one who has medical knowledge of the deceased or viewed the body, or last physician in attendance before death or a combination of the above. In the case of any death which occurs without medical attendance, the county health officer or coroner, when so notified by the funeral director or other person, shall investigate and make and file the certificate of death. Provided, that if the county health officer suspects suicide or is unable to ascertain the cause of death, or finds circumstances which cause suspicion that the death was caused by the criminal act of another, he shall then refer the case to the coroner or other proper officer for his investigation and certification. The county health officer, coroner, or other proper official whose duty it becomes to make the medical certificate shall state the name of the deceased, if known, the cause (disease) of death, or if an external cause, the means of death and whether (probably) accidental, suicidal or homicidal. It shall be the duty of the local registrar to secure the properly signed medical data on the certificate except when secured by the funeral director."

Section 5. Code of Alabama 1940, Title 22, Section 27, be amended to read as follows:

"Section 27. Burial or removal permit for out of state: Duty of funeral director. The funeral director, or other person in charge of interment, shall file the statistical data of the certificate of death along with the name of the attending physician with the local registrar in order to obtain a permit for burial, removal or other disposition of the body from the boundaries of this state. The funeral director shall deliver the burial permit to the person in charge of the place of burial before interring or otherwise disposing of the body outside of the state, or shall attach removal permit to the box containing the body when shipped by any transportation company."

Section 6. Code of Alabama 1940, Title 22, Section 28, be amended to read as follows:

"Section 28. Records and reports of funerals conducted or casket sales prescribed. Every person, firm or corporation selling a burial casket shall keep a record showing the name and post office address of the purchaser or orderer, the name, sex, color, and age of deceased, and date and place of death of deceased, which record shall be open to inspection of the state registrar or his accredited representative at all times. On the fifth day of each month the person, firm, or corporation selling caskets or each funeral director shall report each sale or funeral for the preceding month on such form as the state board of health shall provide, to the county health office. In case there are no sales of burial caskets or funerals conducted, that fact is to be reported on the fifth day of each month for the preceding month, on such form as the state board of health shall provide, to the county health office. Every person, firm, or corporation selling a casket at retail, and not having charge of the disposition of the body, shall enclose within the casket a notice, furnished by the state board of health, calling the attention of the person or persons in charge of the disposition of the body to the requirements of the law; also, a

blank certificate of death, and any rules and regulations of the state board of health concerning the burial or other disposition of a dead human body. Provided, that each county health office shall send said casket sales reports for the preceding month to the state registrar on or before the tenth day of each month."

Section 7. Code of Alabama 1940, Title 22, Section 29, be amended to read as follows:

"Section 29. Funeral directors register with health office. No person shall engage in the business of funerals or of selling caskets unless said person files with the county health office of the county in which such business is carried on the name and address of the person or firm carrying on said business."

Section 8. Code of Alabama 1940, Title 22, Section 30, be amended to read as follows:

"Section 30. Wording of receipt where burial within state. If the interment, or other disposition of the body, is to be made within the state the wording of the receipt is to be determined by the state registrar subject to approval by the state board of health; provided however that said wording of the receipt shall not result in said receipt being punitive in its intent.

Section 9. Code of Alabama 1940, Title 22, Section 31, be amended to read as follows:

"Section 31. Duties of sextons in certain circumstances prescribed. No person in charge of any premises on which interments are made shall inter or permit the interment of, or other disposition of, any human body, unless it is accompanied by a receipt, removal or transit permit, as herein provided. And, such person shall endorse upon the said receipt the date of interment, over his signature, and shall return all receipts so endorsed to the local registrar of the registration district in which the place of interment is located within three days from the date of the interment, or within the time fixed by local ordinances. He shall keep a record of all bodies interred, or otherwise disposed of, on the premises under his charge, in each case stating the name of each deceased person, place of death, date of burial or disposal, and the name and address of the funeral director; which record shall at all times be open to official inspection. The sexton shall file a monthly report with the local registrar listing the deceased person's name, place of death, date of burial or disposal, and the name and address of the funeral director. This report is to be mailed to the county health office on the fifth day of each month. The county health office is to use the sexton's report in determining the completeness of death registration in that district."

Section 10. Code of Alabama 1940, Title 22, Section 31 (1), be added to read as follows:

"Section 31 (1). Penalties. Any person who violates any provisions of sections 23, 24, 25, 26, 27, 28, 29, 30, 31 of this chapter or any regulation adopted by the state board of health pertaining thereto shall be guilty of a misdemeanor and upon conviction by be fined up to fifty dollars (\$50.00), and imprisoned up to ten (10) days in the county."

Section 11. This Act is intended to relate entirely to the Alabama vital statistics system and is not intended to have effect on any other laws or parts of laws except to the extent in conflict with the positive provisions hereof.

Section 12. The provisions of this Act are severable. If any

part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Fine	King	Melton	
Baker	Foshee	Lindsey	Noonan	
Carr	Gilmore	Littleton	Pelham	
Cook	Givhan	Lybrand	Pierce	
Dominick	Hawkins	McLain	Shelby	
Dozier	Jones	Malone	Wilder	
				—23

Nays:

—0

And said Bill, H. B. 677, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Melton	
Bailes	Fine	King	Noonan	
Baker	Foshee	Lindsey	Pierce	
Branyon	Gilmore	Littleton	Register	
Carr	Givhan	Lybrand	Shelby	
Cook	Hawkins	McLain	Wilder	
Dominick	Horne	Malone		
				—26

Nays:

—0

The Bill:

H. 339. To make an appropriation to the department of agriculture and industries for the two fiscal years ending September 30, 1974 and September 30, 1975, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera and African swine fever.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Noonan	
Bailes	Edington	King	Owen	
Baker	Fine	Lindsey	Pelham	
Branyon	Foshee	Littleton	Pierce	
Carr	Gilmore	McLain	Shelby	
Cook	Hawkins	Malone	Wilder	
Dominick	Horne	Melton		
				—26

Nays:

—0

The Bill:

S. 172. To provide that any health, hospitalization, surgical, or other medically-related insurance coverage of newborn infants who

are included under any such family-type insurance policy issued in this state shall begin immediately from the moment of birth of such infant; and that the coverage and insurability of such infant shall not be disclaimed or otherwise denied by the insurer of such policy.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen
Bailes	Foshee	Littleton	Pelham
Baker	Gilmore	Lybrand	Pierce
Branyon	Hawkins	McLain	Register
Carr	Horne	Malone	Shelby
Cook	Jones	Melton	Vacca
Dominick	King	Noonan	Wilder
Edington			

—28

Nays:

—0

The Bill:

H. 1307. To amend Sections 1, 2, 3, 4, 8 and 9, Title 22, Code of Alabama 1940, as amended, which sections relate to the State Board of Health, so as to further regulate said Board.

was taken up.

The Standing Committee on Health reported the following substitute for the Bill, H. B. 1307, to-wit:

SUBSTITUTE FOR H. B. 1307

A BILL TO BE ENTITLED AN ACT

To amend Section 2, Title 22, Code of Alabama 1940, as amended and add Sections 2(a), 2(b), 2(c), 2(d), 2(e), which sections relate to the State Board of Health, and the State Committee of Public Health so as to further regulate the same.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2, Title 22, Code of Alabama 1940, as amended, is hereby amended to read as follows:

"Section 2. There is hereby created a State Committee of Public Health which shall be composed of twelve members of the Board of Censors of the Medical Association of the State of Alabama and the chairman of the four councils which are created in section 2(a) of this Act. The medical doctor members of the committee shall be selected by the State Board of Health, one from each of the United States Congressional districts, and the remainder from the State at large. A majority of the State Committee of Public Health shall elect a chairman and a vice-chairman to serve one term of four years. Upon incapacitation or resignation of the chairman the vice-chairman shall succeed to the chairmanship of the committee. Each member of the State Committee of Public Health shall have one vote except the chairman who shall vote in case of a tie. The State Health Officer shall be ex-officio secretary to the committee, though not a member thereof, and he shall have no vote."

Section 2. Section 2(a), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2 (a). There are hereby created four councils to be known as the (1) Council on Dental Health, (2) the Council on Animal and Environmental Health, (3) the Council on the Prevention of Disease and Medical Care, and (4) the Council on Health Costs, Administration and Organization.

It shall be the duty of the Councils to provide public health information, evaluation of data, research, advice and recommendations to the State Committee of Public Health and perform such other functions as may be appropriate and as requested by the State Committee of Public Health.

The Council on Dental Health shall be composed of five members licensed to practice dentistry in this state and appointed by the Alabama Dental Association. The initial appointments shall be one member for one year, one member for two years, one member for three years, one member for four years and one member for five years.

The Council on Animal and Environmental Health shall be composed of five members as follows: three doctors of veterinary medicine appointed by the Alabama Veterinary Medical Association; one physician appointed by the Medical Association of the State of Alabama; one licensed professional engineer, trained and experienced in the environmental disciplines appointed by the American Consulting Engineers Council of Alabama. Of the five members of the Council on Animal and Environmental Health, the initial appointments by the Alabama Veterinary Medical Association shall be one for one year, one for three years, and one for five years; the initial appointment by the Medical Association of the State of Alabama shall be one for two years; the initial appointment by the American Consulting Engineers Council of Alabama shall be one for four years.

The Council on the Prevention of Disease and Medical Care shall be composed of five members as follows: two medical doctors appointed by the Medical Association of the State of Alabama; one nutritionist appointed by the Alabama Dietetic Association; one licensed engineer trained and experienced in public health and sanitation appointed by the American Consulting Engineers Council of Alabama; one nurse appointed by the Alabama State Nurses Association. Of the five members of the Council on the Prevention of Disease and Medical Care, the initial appointments by the Medical Association of the State of Alabama shall be one for one year, and one for five years; the initial appointment by the Alabama Dietetic Association shall be one for two years; the initial four years; the initial appointment by the American Consulting Engineers Council of Alabama shall be one for three years.

The Council on Health Costs, Administration and Organization shall be composed of six members as follows: One medical doctor appointed by the Medical Association of the State of Alabama; one doctor of dentistry appointed by the Alabama Dental Association; two representatives of the public who are residents of the State of Alabama appointed by the governor; one pharmacist appointed by the Alabama Pharmaceutical Association; and one hospital administrator appointed by the Alabama Hospital Association. Of the six members of the Council on Health Costs, Administration and Organization, the initial appointment by the Medical Association of the State of Alabama shall be for one year; the initial appointment by the Alabama Dental Association shall be for two years; the initial appointment of representatives of the public by the governor shall be for three years; the initial appointment by the Alabama Pharmaceutical Association shall be for four years; and the initial appointment by the Alabama Hospital Association shall be for five years."

Section 3. Section 2 (b), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2 (b). Each of the associations or persons responsible for appointing members of the four councils created pursuant to Section 2 (a), shall make such appointments not later than ninety days after the effective date of this Act. As soon as practicable after the appointments are made, each such Council shall meet and select from among its members by majority vote a chairman provided that the medical doctor member or members of the councils shall not be eligible to serve as chairman; and the chairman of each such council, by virtue of his selection as chairman, shall be a member of the State Committee of Public Health with full voting privileges, rights and responsibilities of membership. As each term expires on each Council, the designated association or person responsible for the original appointment shall fill the vacancy for a five year term. Appointees who serve less than five year terms shall be eligible for reappointment for only one five year term. A Council member who ceases to be a member of the appointing authority or who no longer is a resident of the State of Alabama shall automatically cease to be a member of the council, and his unexpired term shall be filled by the original appointing authority. No person shall be eligible for appointment to the State Committee of Public Health or to a Council created in section 2(a) of this act, who at the time of his appointment is sixty-five years of age. The chairman of the State Committee of Public Health shall call the first meeting of each Council within one hundred twenty days of enactment of this act to certify the membership of each, and at such meetings, a chairman for each Council shall be elected and a schedule of meetings established on a quarterly basis, or more frequently, as may be deemed necessary. A majority of the members of each Council shall constitute a quorum. The chairman of each Council shall serve for a term of two years and may be reelected as chairman for not more than one successive term or for a total of four years as chairman. Members of the State Committee of Public Health and members of the four councils as outlined in this Section shall serve without compensation except for reimbursement for travel and out of pocket expenses."

Section 4. Section 2(c), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2(c). The State Committee of Public Health shall elect an executive officer who shall be a physician licensed in the State of Alabama to be known as the State Health Officer, and shall fix his term of office and salary. The qualifications of this individual shall be determined by the newly constituted State Committee of Public Health. The State Health Officer so elected shall, under the direction of the State Committee of Public Health and with the approval of the state personnel board, fix the salaries of the medical employees of the State Committee of Public Health. The State Health Officer shall exercise general supervision over county boards of health and county health officers, and promptly report to said county boards of health any delinquencies of official duty on the part of said county health officers which may come to his knowledge; keep himself informed in regard to all diseases which may be in danger of invading the state, and, as far as authorized by law, take prompt measures to prevent such invasions; and keep the governor and the legislature informed as to the health conditions prevailing in the state, especially as to outbreaks of any of the diseases enumerated in Section 47 of this Title, and submit to the governor and legislature such recommendations as he deems proper to control such outbreaks."

Section 5. Section 2(d), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2 (d). Whenever the words 'State Board of Health' are used in this title, or in any chapter, or subsection thereof, said words shall mean the 'State Committee of Public Health' as created above except when the State Board of Health is in actual session assembled. The State Committee of Public Health as constituted by this act shall have and possess all the prerogatives and powers and duties heretofore prescribed by law for the State Board of Health and shall act for said Board. The State Board of Health may by a three-fifths vote alter or amend any action of the State Committee of Public Health but only when said Board is in session assembled."

Section 6. Section 2(e), Title 22, Code of Alabama 1940, as amended, shall read as follows:

"Section 2(e). The State Committee of Public Health and the State Board of Health shall be accountable to the legislature of Alabama and shall make an annual report to the legislature. The legislature or any committee thereof may, from time to time, request certain information from the State Board of Health and the State Committee of Public Health and both groups are hereby directed to lend its full cooperation in response to these requests. When the State Committee of Public Health is not in session, the State Health Officer, as executive officer of the Department of Public Health, shall act for said Committee and shall have and discharge all the prerogatives and duties of said Committee. He shall report his actions to the Committee at its next meeting after such action is taken, and such action of the State Health Officer shall then be subject to confirmation or modification by the Committee. Meetings of the State Committee of Public Health shall be held monthly. A majority of the members shall constitute a quorum. Special meetings of the Committee may be called by the chairman, upon ten days prior written notice to the members thereof."

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. This act shall become effective January 1, 1974, and by approval of the governor, or upon its otherwise becoming law.

The Standing Committee on Health reported the following amendment to the substitute for the Bill, H. B. 1307, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE FOR H. B. 1307

Amend the substitute for H. B. 1307 by striking from Section (3) as they may appear therein the following words, "Provided that the medical doctor member or members of the councils shall not be eligible to serve as chairman."

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 1307, was then adopted by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Noonan
Bailes	Edington	Lindsey	Owen
Baker	Fine	Littleton	Pelham
Branyon	Foshee	Lybrand	Pierce
Carr	Gilmore	McLain	Register
Clark	Givhan	Malone	Wilder
Cook	Hawkins	Melton	Wilson
Dominick	Horne		

—29

Nays:

—0

And said Bill, H. B. 1307, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen
Bailes	Foshee	Littleton	Pelham
Baker	Gilmore	Lybrand	Pierce
Carr	Givhan	McLain	Register
Clark	Harris	Malone	Shelby
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder
Edington	Jones	O'Bannon	Wilson

—31

Nays:

—0

The Bill:

H. 1678. To authorize and direct the Commissioner of Conservation and Natural Resources for One Dollar (\$1.00) to execute and deliver on behalf of the State of Alabama a proper conveyance of certain real property to the Board of Trustees of the University of South Alabama and certain other real property to the Mobile County Board of School Commissioners; and to provide for the relinquishment of certain rights in a certain part of such property by the Mobile County Board of School Commissioners.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Clark	Givhan	Malone	Shelby
Cook	Harris	Noonan	Weaver
Dominick	Hawkins	O'Bannon	Wilder
Dozier	Horne		

—29

Nays:

—0

The Bill:

H. 1682. To transfer the historic property known as the Powder Magazine owned by the Finance Department of the State of Alabama to the City of Montgomery.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	O'Bannon
Bailes	Fine	Littleton	Owen
Baker	Foshee	Lybrand	Pelham
Carr	Gilmore	McLain	Pierce
Clark	Givhan	Malone	Register
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder
Dozier	Jones		

—29

Nays:

—0

The Bill:

H. 1401. To amend Act Number 755 of the Regular Session of the Legislature of 1967 as amended by Act 1943 of the 1971 Regular Session of the Legislature relating to Supernumerary Tax Assessors, Collectors, License Commissioners and other officials by changing their requirements, qualifications and compensation.

Was read a third time at length and passed.

Yeas 26; Nays 2.

Yeas:

Messrs.:	Gilmore	McLain	Pierce	
Bailes	Givhan	Malone	Register	
Baker	Hawkins	Melton	Shelby	
Carr	Horne	Noonan	Vacca	
Clark	Lindsey	O'Bannon	Weaver	
Cook	Littleton	Owen	Wilder	
Fine	Lybrand	Pelham		—26

Nays:

Messrs.:	Dominick	Harris		—2
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The Bill:

S. 896. Requiring immunization of children against or testing for certain diseases designated by the State Board of Health and requiring proof of immunization or testing prior to entry of children into school.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Edington	King	Noonan	
Bailes	Fine	Lindsey	Owen	
Baker	Foshee	Littleton	Pelham	
Branyon	Gilmore	Lybrand	Pierce	
Carr	Givhan	McLain	Register	
Clark	Horne	Malone	Shelby	
Cook	Jones	Melton	Wilder	
Dominick				—28

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1792. To provide further for the compensation of the Clerk of the House and the Secretary of the Senate; providing for an annual salary for each of said officers and requiring that all fees received by them from the sale of bills introduced in the Legislature shall be paid into the State General Fund; to provide that the effective date of this act shall be January 1, 1974.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1005. To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and the office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard.

was taken up.

The Standing Committee on Military reported the following amendment to the Bill, H. B. 1005, to-wit:

AMENDMENT TO H. B. 1005

Amend H. B. 1005 by deleting Section 12 and inserting the following in lieu thereof:

"Section 12. Distinctive automobile tags for National Guardsmen.—There shall be exempt from the operation of the privilege or license tax and registration fee now or hereinafter to be levied on automobiles and motor vehicles by the State of Alabama, one passenger vehicle owned by any active member of the Alabama National Guard or the Alabama state guard when organized in lieu of the national guard. Each active member of the national guard shall be entitled to such exemption for only one such vehicle and such exemption extends only to distinctive national guard license tags. Such exemption shall be claimed upon presentation of proper identification on forms prescribed by the adjutant general. Active members of the national guard may obtain additional distinctive license tags for other passenger vehicles which they own by paying the regular privilege or license tax provided by law. Retired members of the Alabama National Guard may obtain one or more distinctive license tags for passenger vehicles which they own upon presentation and proper identification on forms prescribed by the adjutant general and by paying the regular privilege license tax as provided by law.

Further amend Section 109 of H. B. 1005 to read as follows:

"Section 109. Operational support appropriation for headquarters and organizations. The Legislature of Alabama shall appropriate during each of its regular sessions, or during such other sessions as conditions may require, a sufficient sum of money, based upon estimates and recommendations of The Adjutant General and approved by the Governor, for the purpose of defraying all expenses necessary and incident to the operations and support, the health, safety, welfare and morale of personnel assigned to headquarters and organizations of the Alabama National Guard, or for any other purpose that The Ad-

jutant General may approve: Provided; that there shall be annually allowed to commanders such sums as The Adjutant General may determine and the Governor may approve, such allowances to be paid quarterly, and based on administrative responsibility and the type and number of units occupying facility:

Provided; that in order to secure such quarterly allowances, the commanders shall be required to render an accounting of all receipts and disbursements quarterly or for such period as The Adjutant General may require, such accounting of funds to be in accordance with rules and regulations prescribed by The Adjutant General and approved by the Governor."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dozier	King	O'Bannon	
Bailes	Edington	Lindsey	Owen	
Baker	Fine	Littleton	Pelham	
Branyon	Foshee	Lybrand	Pierce	
Carr	Givhan	Malone	Register	
Clark	Horne	Melton	Vacca	
Cook	Jones	Noonan	Wilder	
Dominick				—28

Nays: —0

And said Bill, H. B. 1005, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham	
Bailes	Foshee	Lybrand	Pierce	
Baker	Givhan	McLain	Register	
Branyon	Hawkins	Melton	Shelby	
Cook	Horne	O'Bannon	Vacca	
Dominick	Jones	Owen	Wilder	
Edington	King			—25

Nays: —0

The Bill:

H. 566. Relating to the thirty-seventh judicial circuit; providing for additional circuit court judge in such circuit.

Was read a third at length and passed.

Yeas 22; Nays 1.

Yeas:

Messrs.:	Fine	Lybrand	Shelby	
Bailes	Foshee	Melton	Vacca	
Baker	Horne	Noonan	Weaver	
Branyon	King	O'Bannon	Wilder	
Cook	Lindsey	Pelham	Wilson	
Edington	Littleton	Register		—22

Nay: Mr. Dominick —1

Mr. Wilson moved that the Senate reconsider the vote by which the Bill, H. B. 566, was passed.

On motion of Mr. Fine, the motion to reconsider was laid on the table.

The Bill:

S. 662. To provide compensation for total disability and death due to pneumoconiosis of coal miners and their dependents as herein defined in compliance with the provisions of the Federal Coal Mine Health and Safety Act of 1969 as amended by the 96th Congress. And to provide for standards and presumptions for determining when and under what conditions such total disability or death is due to pneumoconiosis for eligibility for such benefits by coal miners and their dependents as herein provided. And to provide for the protection of such benefits and the payment thereof by coal mine operators as herein provided. And to provide that any claim or action filed herein for such total disability or death shall be deemed to have been timely filed if filed as herein required within three years of the discovery of such total disability or the date of death in the case of death. And to provide for the liability for the benefits herein as provided of prior and successor operators and as herein defined and to amend and supplement Act No. 1198 enacted by the 1971 Regular Session of the Alabama Legislature for miners employed at such mines.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pierce
Bailes	Gilmore	Lybrand	Register
Baker	Givhan	Melton	Shelby
Branyon	Hawkins	Noonan	Vacca
Clark	Horne	O'Bannon	Weaver
Dominick	Jones	Owen	Wilder
Edington	King	Pelham	Wilson
Fine	Lindsey		

—29

Nays:

—0

The Bill:

H. 114. To authorize and provide for the payment out of the general fund in the state treasury of a gratuity to each member of the armed services from this State who was a prisoner of war in Vietnam; to provide for the administration of this Act by the State Department of Veterans Affairs.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Fine	King	O'Bannon
Bailes	Foshee	Lindsey	Owen
Baker	Gilmore	Littleton	Pierce
Branyon	Givhan	Lybrand	Register
Carr	Harris	McLain	Vacca
Clark	Hawkins	Malone	Weaver
Dominick	Horne	Melton	Wilder
Dozier	Jones	Noonan	

—30

Nays:

—0

The Bill:

H. 286. To provide subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

was taken up.

Mr. Harris offered the following substitute for the Bill, H. B. 286, to-wit:

SUBSTITUTE TO H. B. 286

A BILL TO BE ENTITLED AN ACT

To provide subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

Be It Enacted by the Legislature of Alabama:

Section 1. Any State law enforcement officer of the State of Alabama who is employed by the Department of Public Safety, Department of Conservation and Natural Resources, Alabama Alcoholic Beverage Control Board, or Department of Agriculture and Industries shall receive a subsistence allowance of Five Dollars (\$5.00) for each working day of a pay period while engaged in and in the performance of his duties as a law enforcement officer. This allowance shall be in addition to all other compensation, expenses, and allowances provided for such officers.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Owen
Bailes	Gilmore	Littleton	Pelham
Baker	Givhan	Lybrand	Pierce
Branyon	Harris	McLain	Register
Carr	Hawkins	Malone	Shelby
Clark	Horne	Melton	Vacca
Dozier	Jones	Noonan	Weaver
Edington	King	O'Bannon	Wilder
Fine			

—32

Nays:

—0

Mr. Baker moved that further consideration of the Bill, H. B. 286, as amended by the substitute, be postponed temporarily.

On motion of Mr. Harris, the motion to postpone was laid on the table.

And said Bill, H. B. 286, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 35; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Harris	Malone	Vacca
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder
Dozier	Jones	O'Bannon	Wilson

—35

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 850. Relating to all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations, validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws general, local and special.

Also:

S. 855. Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to authorize the board of registrars to meet for 60 days in addition to the number of days now provided by law for the purpose of implementing the federal court's plan of reapportionment; to authorize the county commission to appoint additional personnel and clerical help to work under the board of registrars, to determine the compensation of such personnel and to pay such compensation from the general fund of the county.

Also:

S. 857. To further amend Sections 2 and 3 of Act No. 491, S. 444, Regular Session 1961, as amended, An Act relative to cities in the state having a population of not less than 60,000 nor more than 70,000 people, according to the last or any subsequent federal decennial census; providing for a commission form of government in such cities; and providing for the term of the members of said commission board, and the time and manner of calling and holding an election therefor.

Also:

S. 861. To create the office of county license inspector in all counties of this state having a population of not less than 65,000 or more than 68,000 inhabitants, according to the last or any subsequent Federal decennial census, and to provide for the appointment of a license inspector, fix his compensation, prescribe his duties and define his powers, and provide for the operation of his office.

Also:

S. 862. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of certain deputies in the office of the sheriff.

Also:

S. 870. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties.

Also:

S. 876. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

Also:

S. 805. To provide for two deputy district attorneys for the 27th judicial circuit and their compensation and appointment.

Also:

S. 846. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

Also:

S. 877. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1309. To make a conditional supplemental appropriation to the Department of Public Safety for the fiscal years ending September 30, 1974 and September 30, 1975.

Was read a third time at length and passed.

Yeas 35; Nays 0.

Yeas:

Messrs.:	Baker	Carr	Cook
Bailes	Branyon	Clark	Dominick

Dozier	Hawkins	McLain	Pierce
Edington	Horne	Malone	Register
Fine	Jones	Melton	Shelby
Foshee	King	Noonan	Vacca
Gilmore	Lindsey	O'Bannon	Weaver
Givhan	Littleton	Owen	Wilder
Harris	Lybrand	Pelham	Wilson

—35

Nays:

—0

The Bill:

S. 402. To provide that the State Personnel Department, with the advice of The Alabama State Employees' Association, shall provide for service recognition pins for state personnel.

Was read a third time at length and passed, and ordered sent forth-with to the House without engrossment.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Givhan	Lybrand	Register
Carr	Harris	McLain	Shelby
Clark	Hawkins	Melton	Vacca
Cook	Horne	Noonan	Wilder
Dominick	Jones	O'Bannon	Wilson
Dozier			

—32

Nays:

—0

The Bill:

H. 388. To provide for the exemption from ad valorem taxation of the home of any person who is totally disabled or who is sixty-five years of age or older and who had an adjusted gross income of less than five thousand dollars for income tax purposes for the last preceding year.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 388, to-wit:

AMENDMENT TO H. B. 388

Amend H. B. 388, Section 1, by striking: "the home of any person who is totally disabled or who is sixty-five years of age or older, and who had an adjusted gross income for income tax purposes" and inserting in lieu thereof: "the home of any person who is totally disabled or who is sixty-five years of age or older, and who had a gross income"

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Carr	Edington	Givhan
Bailes	Clark	Fine	Harris
Baker	Cook	Foshee	Hawkins
Branyon	Dozier	Gilmore	Horne

Jones	McLain	O'Bannon	Register
King	Malone	Owen	Shelby
Lindsey	Melton	Pelham	Wilder
Littleton	Noonan	Pierce	Wilson

—31

Nays: —0

And said Bill, H. B. 388, as thus amended, was then read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham
Bailes	Foshee	Littleton	Pierce
Baker	Gilmore	Lybrand	Register
Branyon	Givhan	McLain	Shelby
Carr	Harris	Malone	Vacca
Clark	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder
Dozier	Jones	Owen	Wilson
Edington	King		

—33

Nays: —0

The Bill:

H. 1138. To amend further Section 3 of Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as heretofore amended, so as to reallocate the revenues derived from the tax authorized by the said Act and to appropriate so much of the said revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$2,000,000 in aggregate principal amount.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pierce
Bailes	Foshee	Littleton	Register
Baker	Gilmore	Lybrand	Shelby
Branyon	Givhan	McLain	Vacca
Carr	Harris	Melton	Weaver
Clark	Horne	Noonan	Wilder
Cook	Jones	Owen	Wilson
Edington	King	Pelham	

—30

Nays: —0

The Bill:

H. 1136. "To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$2,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the

purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended, to the extent necessary to pay the principal of and interest on bonds of the authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the State Treasurer shall be the custodian of the funds of the Authority."

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Foshee	Lindsey	Pelham
Baker	Gilmore	Littleton	Pierce
Branyon	Givhan	Lybrand	Register
Carr	Harris	McLain	Shelby
Clark	Hawkins	Melton	Vacca
Dozier	Horne	Noonan	Weaver
Edington	Jones	O'Bannon	Wilder

—31

Nays:

—0

The Bill:

H. 734. To amend Title 45, Section 144, Alabama Code, 1940, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce
Bailes	Foshee	McLain	Register
Baker	Gilmore	Melton	Shelby
Branyon	Givhan	Noonan	Vacca
Carr	Hawkins	O'Bannon	Weaver
Clark	Horne	Owen	Wilder
Cook	Lindsey	Pelham	Wilson
Edington	Littleton		

—29

Nays:

—0

The Bill:

H. 1345. To authorize Alabama Public School and College Authority to sell and issue one hundred twenty million dollars (\$120,000,000)

aggregate principal amount of additional bonds for capital improvements for public educational purposes; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following substitute for the Bill, H. B. 1345, to-wit:

COMMITTEE SUBSTITUTE FOR H. 1345

A BILL TO BE ENTITLED AN ACT

To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-two million five hundred thousand dollars (\$172,500,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums

necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: Wherever used in this Act, the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

"1957 Act" means Act. No. 499 adopted at the 1957 Regular Session of the Legislature.

"1959 Act" means Act. No. 126 adopted at the 1959 Second Special Session of the Legislature.

"1965 Act" means Act. No. 243 adopted at the 1965 First Special Session of the Legislature.

"1967 Act" means Act. No. 403 adopted at the 1967 Regular Session of the Legislature.

"1969 Act" means Act. No. 1031 adopted at the 1969 Regular Session of the Legislature.

"1971 Acts" means Act. No. 94 adopted at the 1971 First Special Session of the Legislature, Act. No. 2428 adopted at the 1971 Regular Session of the Legislature, and Act. No. 56 adopted at the 1971 Second Special Session of the Legislature.

"Authority" means Alabama Public School and College Authority, a public corporation and instrumentality of the state that was organized and is existing under the provisions of the 1965 Act.

"Board of directors" means the board of directors of the Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act), means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, together with equipment therefor, and school buses.

"Legislature" means the Legislature of Alabama.

"Refunding bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. Authorization to Issue Additional Bonds and Purposes Thereof. Alabama Public School and College Authority is hereby authorized to sell and issue its bonds in the aggregate principal amount of one hundred seventy-two million five hundred thousand dollars (\$172,500,000) for the construction, reconstruction, purchase, alteration, improvement, and equipment, including school buses, of any types of

capital improvements for public educational purposes in the state, including senior colleges and universities, vocational-technical institutes, junior colleges, and elementary-secondary school systems and special schools, and including the acquisition of land and cost of architectural services therefor and services rendered by building inspectors for periodic and final inspections thereof, and

for acquiring sites therefor. The bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds heretofore authorized to be issued by it.

Section 3. Execution and Other Details of the Bonds. The bonds shall be executed, sealed and attested, shall with the income therefrom be exempt from all taxation in the state, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, all as is provided in the 1965 Act. The bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the board of directors under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued.

Section 4. Sale of the Bonds. The bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the board of directors with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid therefor; provided, that if no bid acceptable to the Authority is received it may reject all bids. Before any series of the bonds shall be offered for sale by the Authority, the Governor shall first determine that the issuance of such series of bonds and the application of the taxes pledged to the payment of the principal of such bonds as they mature and interest thereon as it comes due will not impair the adequacy of the Special Educational Trust Fund to pay appropriations therefrom and to support the public schools and institutions of higher learning during the period over which such bonds will mature. The Governor's determination shall be in writing signed by the Governor and such determination shall be final and conclusive. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value

thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Neither a public hearing nor consent of the State Department of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose from the following sources:

(a) The residue of the receipts from the excise tax (sometimes referred to as the utilities gross receipts tax) levied by Act No. 21 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 21, as amended, being that portion of the said tax that is required by the said Act No. 21, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(b) The residue of the receipts from the excise tax (sometimes referred to as the utilities use tax) levied by Act No. 37 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 37, as amended, being that portion of the said tax that is required by the said Act No. 37, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(c) The residue of the receipts from the license tax levied on those engaging in the business of leasing or renting tangible personal property levied by Act No. 96 adopted at the 1971 First Special Session of the Legislature, remaining after payment of the expenses of administration and enforcement of the said Act No. 96, being that portion of the said tax that is required by the said Act No. 96 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature, as amended, after there shall have been taken from the said residue the amounts appropriated for other educational purposes in Section 32 of the said Act No. 100 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue amounts sufficient to meet all prior charges on the said residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those of the following bonds that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein: (1) those bonds issued by the State of Alabama under the 1957 Act; (2) those bonds issued by Alabama Education Authority under the 1959 Act; (3) those bonds issued by Alabama Public School and College Authority under any of the 1965 Act, the 1967 Act, the 1969 Act, or the 1971 Acts; and

(e) To the extent and to the extent only that the revenues ap-

propriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the use tax levied in Article 11 of Chapter 20 of Title 51 of the Code of Alabama of 1940, as amended, after there shall have been taken from the said receipts the amount necessary to meet the expenses of the State Department of Revenue in collecting the said use tax (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue such amounts as may be necessary to meet all prior charges on the said use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in clauses (1), (2), and (3) of subsection (d) of this section.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and interest on the bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of and interest on the bonds out of said fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely Out of Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. Bonds issued by the Authority shall not be general obligations of the Authority and shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the state. As security for the payment of the principal of and interest on the bonds, the Authority is hereby authorized and empowered to pledge for payment of the principal of and interest on the bonds the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All such pledges shall be prior and superior to pledges that may be made for any refunding bonds hereafter issued by Alabama Education Authority under the provisions of the 1959 Act or by the Authority under the provisions of any of the 1965 Act, or the 1967 Act, or the 1969 Act, or the 1971 Acts, or any other act heretofore enacted.

Section 7. Sale of Refunding Bonds. The Authority may from time to time sell and issue refunding bonds in amounts sufficient to refund the principal of any matured or matured bonds or refunding bonds then outstanding that were issued by the Authority under the provisions of this Act, or the 1965 Acts, the 1967 Act, the 1969 Act, the 1971 Acts, or any other act previously enacted, or that were issued by Alabama Education Authority under the provisions of the 1959 Act, and to pay the expenses of such refunding and any premiums necessary to retire those so refunded. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on the refunding bonds issued by it under this Act and to accomplish the purposes of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose of the residues of the receipts from the excise taxes appropriated and pledged in subsections (a), (b), (c), (d) and (e) of Section 5 of this Act, but such pledge and

appropriation shall be subject and subordinate to the pledge and appropriation made in the said Section 5 for payment of the principal of and interest on the bonds issued under the provisions of Section 2 of this Act. All other provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained in Section 2 of this Act on the amount of bonds that may be issued under this Act, and (b) the provisions of Section 8 of this Act (except the last paragraph thereof). All pledges made in this Act, and all pledges made by the Authority pursuant to the provisions of this Act, for the benefit of refunding bonds issued under this Act shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds.

Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in said fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act as may be deemed by the Authority to be most advantageous to the State, and such proceeds shall be used solely for such purposes and shall be allocated and expended by the Authority in the amount out as follows:

(a.) fifty million dollars (\$50,000,000) to colleges and universities to be distributed as follows:

(1) \$7,500,000 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$7,500,000 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$3,000,000 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$7,500,000 of such proceeds shall be distributed to Auburn University;

(5) \$2,700,000 of such proceeds shall be distributed to Auburn University at Montgomery;

(6) \$3,900,000 of such proceeds shall be distributed to the University of South Alabama;

(7) \$2,500,000 of such proceeds shall be distributed to the University of Montevallo;

(8) \$3,000,000 of such proceeds shall be distributed to Florence State University;

(9) \$3,000,000 of such proceeds shall be distributed to Jacksonville State University;

(10) \$2,000,000 of such proceeds shall be distributed to Livingston State University;

(11) \$3,000,000 of such proceeds shall be distributed to Troy State University;

(12) \$2,200,000 of such proceeds shall be distributed to Alabama Agricultural and Mechanical University;

(13) \$2,200,000 of such proceeds shall be distributed to Alabama State University.

b. twenty-two million five hundred thousand dollars (\$22,500,000) to Junior Colleges and Vocational-Technical Institutes to be distributed as follows:

1. Alexander City State Junior College	\$ 557,872
2. S. D. Bishop State Junior College	550,619
3. Brewer State Junior College	310,833
4. John C. Calhoun State Tech. Jr. Col.	1,000,000
5. Jefferson Davis State Jr. Col.	310,833
6. Enterprise State Junior Col.	588,206
7. Faulkner State Jr. Col.	615,805
8. Gadsden State Jr. Col.	1,070,531
9. Patrick Henry State Jr. Col.	310,833
10. Jefferson State Jr. Col.	2,500,000
11. T. A. Lawson State Jr. Col.	865,823
12. Northeast Alabama State Jr. Col.	331,690
13. Northwest Alabama State Jr. Col.	450,000
14. Snead State Junior College	554,575
15. Southern Union State Jr. Col.	530,176
16. George C. Wallace State Tech. Jr. Col., Dothan	673,271
17. George C. Wallace State Jr. Col., Selma	424,599
18. Lurleen B. Wallace State Jr. Col.	475,000
19. Phenix City State Junior College	900,000
20. Alabama Institute of Aviation Tech.	258,190
21. Alabama Technical College, Gadsden	403,232
22. Ayers State Technical College	298,594
23. Bessemer State Technical College	432,348
24. Calhoun State Tech. Trade School	360,755
25. Carver State Tech. Trade School	174,272
26. Drake State Technical Col.	191,885
27. Gadsden State Technical Inst.	207,425
28. Hobson State Technical Inst.	259,226
29. MacArthur State Tech. Col.	422,398
30. Muscle Shoals Tech. Inst.	345,733
31. Northwest Alabama State Technical Col.	317,761
32. Nunnelley State Tech. Inst.	317,761
33. Opelika State Technical Col.	404,786
34. Patterson State Tech. Col.	345,215
35. Reid State Technical Col.	344,697
36. Shelton State Technical Col.	299,112
37. Sparks State Technical Inst.	107,115
38. Southwest State Tech. Col.	392,873
39. Trenholm State Trade School	297,559
40. Tuscaloosa State Trade School	135,423
41. Walker County State Trade School	441,048
42. Wallace State Technical Trade School, Dothan	563,935

43. Wallace State Technical Institute, Cullman	615,616
44. Wallace State Technical Institute, Selma	239,542
45. Wenonah State Technical School	201,210
46. Atmore Trades School	216,232
47. J. F. Ingram State Trade School	211,052
48. Regional Technical Institute	257,672
*Talladega Voc. School for Deaf	416,667

*Not a portion of the Junior College and Trade School funds.

(c.) one hundred million dollars (\$100,000,000) for elementary-secondary systems to be distributed as follows:

(1) One hundred thousand dollars (\$100,000) shall be paid to each city and county board of education and to the Alabama Institute for Deaf and Blind at Talladega, Girls Industrial School at Chalkville, Boys Industrial School at Birmingham, and the Industrial School at Mt. Meigs.

(2) The residue from the one hundred million dollars (\$100,000,000) after providing for costs involved in issuing said bonds and (1) above shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1973-74 to be used for the construction of school building facilities, including buildings and equipment, for reconstruction, alteration, equipment and improvement of existing school buildings in school building centers approved by the State Department of Education as permanent school centers.

(3) Of the amount allocated in sub sections (1) and (2) above to Covington County, one hundred thousand dollars (\$100,000) shall be expended for Straughn School and the remainder for the Red Level schools.

The expenses of issuance of the bonds shall be prorated among the recipients listed in subsections (a), (b), and (c) of the proceeds from the sale of the bonds in the proportions they receive allocations of such proceeds hereunder.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by the Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying any premium that may be necessary to be paid in order to retire the bonds so refunded.

Section 9. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by a court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 10. Effective Date. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the substitute for the Bill, H. B. 1345, to-wit:

**COMMITTEE AMENDMENT TO
SUBSTITUTE FOR H. 1345**

Amend Section 8, Subsection 3 on page 13 by inserting the following paragraphs in lieu of subsection 3 immediately preceding the paragraph beginning "The expenses of issuance . . .

"(3) Of the amount allocated in sub section (1) and (2) above to Covington County, one hundred thousand dollars (\$100,000) shall be expended for Straughn School and the remainder for the Red Level schools.

Of the amount allocated in sub section (1) and (2) above to Mobile County, one million dollars (\$1,000,000) shall be expended for a school at Theodore, Alabama and the remainder shall be allocated to the Board of Education of Mobile County.

Of the amount allocated in sub section (1) and (2) above to Franklin County, two hundred and fifty thousand dollars (\$250,000) shall be expended for a gymnasium at Red Bay High School, Red Bay, Alabama and the remainder shall be allocated to the Board of Education of Franklin County.

Of the amount allocated in sub section (1) and (2) above to Jefferson County, one million dollars (\$1,000,000) shall be expended for McAdory High School, McCalla, Alabama and the remainder shall be allocated to the Board of Education of Jefferson County."

Which was adopted.

The Standing Committee on Commerce, Transportation and Common Carriers then reported the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

COMMITTEE SUBSTITUTE AS AMENDED TO H. B. 1345

Amend Section 8 (a) (5) by striking the figures "\$2,700,000" and inserting in lieu thereof the figures "\$2,500,000". Further amend said substitute in Section 8 (a) (7) by striking the figures "\$2,500,000" and inserting in lieu thereof "\$2,700,000".

Which was adopted.

Mr. Lybrand then offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 1345

Amend H. B. 1345 by striking therefrom the whole of Sub-section a of Section 8 and insert in lieu thereof the following:

"a. fifty million dollars (\$50,000,000) to colleges and universities to be distributed as follows:

(1) \$6,667,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$6,667,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$3,333,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$6,667,000.00 of such proceeds shall be distributed to Auburn University;

(5) \$1,666,000.00 of such proceeds shall be distributed to Auburn University at Montgomery;

(6) \$3,667,000.00 of such proceeds shall be distributed to the University of South Alabama;

(7) \$2,667,000.00 of such proceeds shall be distributed to the University of Montevallo;

(8) \$3,333,000.00 of such proceeds shall be distributed to Florence State University;

(9) \$3,333,000.00 of such proceeds shall be distributed to Jacksonville State University;

(10) \$3,333,000.00 of such proceeds shall be distributed to Livingston State University;

(11) \$3,333,000.00 of such proceeds shall be distributed to Troy State University;

(12) \$2,667,000.00 of such proceeds shall be distributed to Alabama Agricultural and Mechanical University;

(13) \$2,667,000.00 of such proceeds shall be distributed to Alabama State University."

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 22; Nays 8.

Yeas:

Messrs.:	Dozier	Hawkins	Pelham	
Bailes	Fine	Horne	Pierce	
Baker	Foshee	Jones	Register	
Carr	Gilmore	Littleton	Vacca	
Clark	Givhan	McLain	Wilder	
Cook	Harris	Melton		—22

Nays:

Messrs.:	Lindsey	Noonan	Weaver	
Branyon	Lybrand	O'Bannon	Wilson	
Edington				—8

Mr. Fine then offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE, AS AMENDED,
FOR H. B. 1345**

Amend Commerce, Transportation and Common Carriers substitute, as amended, for H. B. 1345, Section 8 by adding sub-sections (d) and (e) to read as follows:

"(d) Two million two hundred fifty thousand dollars (\$2,250,000) to be distributed as follows for restoration or replacement of public schools which have been destroyed by fire:

(1) Gadsden City (Gadsden High School)	\$ 450,000
(2) Midfield City (Rutledge High School)	\$ 300,000
(3) Jefferson County (Hewitt Elementary)	\$ 300,000
(4) Crenshaw County (Highland Home)	\$ 100,000
(5) Walker County (Sumiton)	\$ 450,000
(6) Houston County (Wicksburg)	\$ 150,000
(7) Lamar County (Sulligent)	\$ 300,000
(8) Bibb County (Randolph Elementary)	\$ 100,000
(9) Henry County (Middle School)	\$ 100,000

(e) Two million one hundred fifteen thousand (\$2,115,000) to be distributed to the following institutions:

(1) Alabama Institute for Deaf and Blind	\$ 450,000
(2) Livingston State University	\$1,000,000".
(3) Snead Junior College	\$ 265,000
(4) Alabama State University for Library	\$ 400,000

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 1300. To amend Section 4 of Act No. 1292, H. 1795, Regular Session, (Acts 1971, p. 2220) providing for the office of commissioner and deputy commissioner of licenses in counties having a population of not less than one hundred fifteen thousand and not more than one hundred fifty thousand according to the last or any subsequent decennial federal census, so as to provide for the establishment of the deputy commissioner's salary, require such commissioner to be bonded, and take an oath of office.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bills:

H. 1268. Relating to Henry County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298) as amended, and the Code of Alabama, 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act.

Also:

H. 1307. To amend Section 2, Title 22, Code of Alabama 1940, as amended and add Sections 2(a), 2(b), 2(c), 2(d), 2(e), which sections relate to the State Board of Health, and the State Committee of Public Health so as to further regulate the same.

Also:

H. 677. Further amending Code of Alabama 1940 Title 22, Sections 23, 24, 25, 26, 27, 28, 29, 30, 31 and adding Section 31 (1), relating to Vital Statistics; providing for registration of death by the funeral director and filing a certificate of death by the attending physician or coroner in certain cases.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 885. To authorize the county commission in Houston County to regulate the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land and Mobile home parks situated outside the corporate limits of any municipality in the county.

Also:

S. 886. To establish a Civil Service System for Houston County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Houston County; to provide that the first members of the personnel board shall be members of the existing personnel appeals board created pursuant to Act No. 2262, S. 1234, Regular Session 1971 (Acts 1971, p. 3643), and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classification plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain city employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the Personnel Board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required; to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the county; to provide for the expenses of such board; to guarantee certain rights to the governing body of Houston County.

Also:

S. 887. To repeal Act No. 2262, S. 1234, Regular Session 1971 (Acts 1971, p. 3643), entitled "An Act to provide for a personnel appeals board for every county having a population of not less than 56,500 nor more than 59,000, according to the most recent federal decennial census; to prescribe the qualifications, terms, duties, and compensation of its members; and to provide rules relating to political activities by employees of said counties."

Also:

S. 889. To provide for an investigator in the district attorney's office of the Thirty-First Judicial Circuit.

Also:

S. 926. To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

Also:

S. 927. Relating to Cherokee County; to provide further for the salaries of the tax assessor and tax collector of Cherokee County.

Also:

S. 928. To amend the title and Section 1 of Act No. 1159, S. 873, Regular Session 1969 (Acts 1969, p. 2168), as amended, which fixes the compensation of the judge of probate and the sheriff in certain counties classified on a population basis.

Also:

S. 930. Repealing Constitutional Amendment CLXXXIV, relating to the compensation of certain officers of DeKalb County; proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of DeKalb County.

Also:

S. 929. Relating to Cherokee County; to provide that all house trailers must have an identification tag on them even thou said house trailer has been assessed for ad valorem taxation as part of the realty.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 848. To provide for supplementing the salary or compensation paid to retired or supernumerary Circuit Judge having more than eighteen (18) years continuous service in office, as a Circuit Judge in the 31st Judicial Circuit of Alabama, consisting of Colbert County, and to provide an office in the Courthouse for such Judge.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. O'Bannon, the Senate non-concurred in the following House amendment to the Bill, S. B. 848, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 848

Delete Section 3 and add in lieu thereof the following Sections 3 and 4:

Section 3. The several provisions of this act shall become operative only if they are first approved by a majority of the qualified electors of Colbert County who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. It shall be held on the same day as the 1974 general election. Notice of the election shall be given by the judge of probate of the county, which notice shall be published once a week for three successive weeks before the day of the election. On the ballots to be used at the election, the provisions to be voted on shall be stated substantially as follows: "Shall the provision of Act No. _____ of the Legislature, approved the _____ day of _____, 197 , which provides that the Supernumerary Circuit Judge in the 31st Judicial Circuit, consisting of Colbert County shall receive a supplemental compensation from the county of \$3,600.00; and that such judge shall be provided with an office in the county courthouse, be adopted? Yes () or No ()."

If a majority of the votes cast on a question are affirmative, the provisions of this act covered by that question shall be in full force and effect, pursuant, however, to the effective date of this act. If a majority of the votes cast on the question are negative, the provisions of this act covered by that question shall have no further effect. Nothing in this act shall be construed as invalidating any ballot for the reason that no vote was cast on one or more questions. The judge of probate of the county shall certify the results of the election to the secretary of state within thirty days after returns have been canvassed.

Section 4. This act shall become effective for the purpose of holding the referendum election hereinabove provided for immediately upon its passage and approval by the Governor or its otherwise becoming law; the provisions of this act providing a supplementary salary and office for the supernumerary circuit judge which are approved at said referendum shall take effect immediately upon certification of such approval by the judge of probate of the county.

and requested a Committee on Conference.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pierce	
Bailes	Gilmore	Melton	Shelby	
Baker	Givhan	Noonan	Vacca	
Branyon	Harris	O'Bannon	Weaver	
Clark	Jones	Owen	Wilder	
Cook	King	Pelham	Wilson	
Edington	Littleton			—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. O'Bannon, Lindsey and Lybrand.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has

passed the following Senate bill and returns same herewith to the Senate:

S. 787. To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and to provide the means and manner for the payment of the same, so as to provide further for such compensation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. O'Bannon, the Senate non-concurred in the following House amendment to the Bill, S. B. 787, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 787

Delete Section 2 and 3 and add in lieu thereof the following new Sections 2, 3 and 4:

Section 2. The several provisions of this act shall become operative only if they are first approved by a majority of the qualified electors of the county composing the 31st Judicial Circuit who vote thereon at a referendum election held for such purpose. The election shall be held and conducted as nearly as may be in the same way as elections on amendments to the Constitution. It shall be held on the same day as the 1974 general election. Notice of the election shall be given by the judge of probate of the county, which notice shall be published once a week for three successive weeks before the day of election. On the ballots to be used at the election, the provisions to be voted on shall be stated substantially as follows: "Shall the provision of Act No. _____ of the Legislature, approved the _____ day of _____ 197____, which provides that the Circuit Judges in the 31st Judicial Circuit shall receive a supplemental compensation from the county composing such judicial circuit of \$3,600.00; and that such judge shall be provided with an office in the county courthouse, be adopted? Yes () or No ()." If a majority of the votes cast on a question are affirmative, the provisions of this act covered by that question shall be in full force and effect, pursuant, however, to the effective date of this act. If a majority of the votes cast on the question are negative, the provisions of this act covered by that question shall have no further effect. Nothing in this act shall be construed as invalidating any ballot for the reason that no vote was cast on one or more questions. The judge of probate of the county shall certify the results of the elections to the secretary of state within thirty days after returns have been canvassed.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This act shall become effective for the purpose of holding the referendum election hereinabove provided for immediately upon its passage and approval by the Governor or its otherwise becoming law; the provisions of this act providing a supplementary salary and office for the circuit judges which are approved at said referendum shall take effect immediately upon certification of such approval by the judge of probate of the county.

and requested a Committee on Conference.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Bailes	Fine	Littleton	Pierce
Baker	Gilmore	Lybrand	Register
Branyon	Givhan	Melton	Weaver
Clark	Harris	Noonan	Wilder
Cook	Horne	O'Bannon	Wilson
Dozier	Jones		

—25

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. O'Bannon, Lindsey and Lybrand.

FURTHER CONSIDERATION OF S. B. 944

The Senate proceeded to further consideration of the Bill:

S. 944. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Vestavia Hills, Jefferson County, Alabama.

And said Bill, S. B. 944, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pierce
Bailes	Gilmore	Lybrand	Register
Branyon	Givhan	Malone	Shelby
Clark	Hawkins	Melton	Vacca
Cook	Horne	O'Bannon	Weaver
Dominick	Jones	Owen	Wilder
Edington	King		

—25

Nays:

—0

Mr. Bailes requested and received unanimous consent to have his name deleted as sponsor of the Bill, S. B. 944, and to have the name of Mr. Cook placed on the Bill as its chief sponsor.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1145. To regulate the change of zoning classification by the governing bodies of counties having a population in excess of 600,000 according to the last or any subsequent Federal Decennial census and by the governing bodies of municipalities located in such counties; to provide for notice of a proposed change in zoning classification to be given to the owners of property located within 500 feet from the property which is the subject of the proposed change and by placing a sign upon the property which is the subject of the proposed change; to authorize any property owner receiving notice of a proposed change in zoning classification to protest such proposed change; and, to provide that in the event a protest should be filed with respect to any proposed change in zoning classification by fifty percent or more of the property owners receiving such notice, such change shall not be effected without the affirmative vote of a minimum of two-thirds of the members of such governing body.

was taken up.

Mr. Bailes offered the following amendment to the Bill, H. B. 1145, to-wit:

SENATE AMENDMENT TO H. B. 1145

Amend H. B. 1145 by deleting the Section 4 in its entirety, and re-numbering the remaining sections.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pierce	
Bailes	Gilmore	Lybrand	Register	
Baker	Givhan	Malone	Shelby	
Branyon	Harris	Melton	Vacca	
Clark	Hawkins	Noonan	Weaver	
Cook	Jones	Owen	Wilson	
Dominick	King			—25

Nays: —0

And said Bill, H. B. 1145, as thus amended, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pierce	
Bailes	Gilmore	Lybrand	Register	
Baker	Givhan	Malone	Shelby	
Branyon	Harris	Melton	Vacca	
Clark	Hawkins	Noonan	Weaver	
Cook	Jones	Owen	Wilson	
Dominick	King			—25

Nays: —0

RESOLUTION

Mr. Pelham offered the following Senate Joint Resolution, to-wit:

S. J. R. 117. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES THEREOF CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Wednesday, September 5, 1973; and when they adjourn on Wednesday, September 5, 1973 they adjourn to meet again on Friday, September 14, 1973.

On motion of Mr. Pelham, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 313. To name the fieldhouse at Ohatchee High School located in Calhoun County in honor of S. Gerald Acker.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Branyon	Clark	Dozier
Baker	Carr	Dominick	Fine

Foshee
Gilmore
Harris
Horne
Jones

Littleton
Lybrand
McLain
Malone
O'Bannon

Owen
Pelham
Pierce
Shelby

Vacca
Weaver
Wilder
Wilson

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1955. To repeal Act No. 232, H. 253, Third Special Session 1971, (Acts 1971, p. 4501), entitled, "An Act Relating to Solicitor's or District Attorney's funds in judicial circuits consisting of one county and one county having not less than 175,000 nor more than 300,000 according to the most recent federal decennial census."

Also:

H. 1956. Relating to Madison County and the Twenty-Third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund.

Also:

H. 1957. To repeal Act No. 2314, S. 1086, Regular Session 1971, (Acts 1971, p. 3737), entitled, "An Act To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court in all counties having a population of not less than 175,000 nor more than 300,000 inhabitants, according to the last federal decennial census."

Also:

H. 1958. Relating to Madison County; regulating further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court.

Also:

H. 1959. To repeal Act No. 896, H. 1594, Regular Session 1971, (Acts 1971, p. 1660), entitled, "An Act Authorizing any municipality having a population of not less than 135,000 nor more than 185,000 according to the most recent federal decennial census to create a planning commission having certain powers, duties and regulations."

Also:

H. 1960. To repeal Act No. 1306, H. 2094, Regular Session 1971, (Acts 1971, p. 2251), entitled, "An Act Authorizing any municipality having a population of not less than 135,000 nor more than 185,000 according to the 1970 or any subsequent federal decennial census, to create a Planning Commission having certain powers, duties and regulations."

Also:

H. 1961. Relating to the municipality of Huntsville in Madison County; authorizing the municipality to create a planning commission having certain powers, duties and regulations.

Also:

H. 1962. To repeal Act No. 1331, H. B. 2119, Regular Session 1971, (Acts 1971, p. 2280), entitled "An Act To apply only in counties having

populations of not less than 175,000 nor more than 300,000 according to the then next preceding federal census; authorizing the court of county commissioners, board of revenue or other like county governing body to appropriate public funds of the county for payment of certain equitable and just claims for which the county is not legally liable."

Also:

H. 1963. To repeal Act No. 1477, S. B. 1013, Regular Session 1971, (Acts 1971, p. 2534), entitled, "An Act To apply only in counties having populations of not less than 175,000 nor more than 300,000 according to the then next preceding federal census; authorizing the court of county commissioners, board of revenue or other like county governing body to appropriate public funds of the county for payment of certain equitable and just claims for which the county is not legally liable."

Also:

H. 1964. Relating to Madison County; authorizing the court of county commissioners, board of revenue or other like governing body to appropriate public funds of the county for payment of certain equitable and just claims for which the county is not legally liable.

Also:

H. 1965. To repeal Act No. 126, H. B. 393, Regular Session 1971, (Acts 1971, p. 404) entitled, "An Act To provide for appointment and compensation of a secretary for each judge of any circuit court in counties having a population of not less than 175,000 nor more than 300,000."

Also:

H. 1966. Relating to Madison County; providing for appointment and compensation of a secretary for each judge of the circuit court.

Also:

H. 1967. To repeal Act No. 1450, S. B. 971, Regular Session 1971, (Acts 1971, p. 2478), entitled "An Act Relating to counties having a population of not less than 175,000 nor more than 300,000; and authorizing the Board of County Commissioners in such counties to establish legal names for all county roads, and to set speed limits on county roads, consistent with state policy."

Also:

H. 1968. Relating to Madison County; authorizing the Board of County Commissioners to establish legal names for all county roads and to set speed limits on county roads, consistent with state policy.

Also:

H. 1969. To repeal Act No. 1392, H. 2307, Regular Session 1971, (Acts 1971, p. 2349), entitled, "An Act Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1196. To alter or rearrange the boundary lines of the City of Northport, Tuscaloosa County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Tuscaloosa County, Alabama.

Also:

H. 2044. Relating to counties having populations of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census, providing an annual expense allowance for the circuit clerks of such counties in lieu of and superseding all existing travel or other expense allowances heretofore prescribed by law for such officials.

Also:

H. 2065. To amend Section 19, Act No. 30, S. 5, 1963 Regular Session (Acts 1963, p. 404) which provided for demand for jury trial, so as to provide for a procedure for demanding a jury trial in Marshall County.

Also:

H. 1876. To amend Act No. 981, H. 885 of the Regular Session of 1971 (Acts of 1971, p. 1752), which provides for the institution and prosecution of misdemeanor cases for the County Court of Bibb County and authorizes, provides for and regulates certain procedures in such court before the Clerk of the Circuit Court, Ex-Officio Clerk of the County Court of Bibb County, amending the title and Section 1 of such Act so as: To provide that the same procedures may be followed in a Justice Court established in Bibb County as authorized in Act No. 2445, H. 2343 of the 1971 Regular Session (Acts 1971, p. 3907), if such a court is established, and that the Clerk of the Circuit Court shall serve Ex-Officio as Clerk of such Justice Court; and to provide that the Clerk shall be entitled to the fees prescribed so long as he is compensated on a fee basis, but that if the method of his compensation is changed to a salary basis, such fee shall continue to be collected and paid into the county treasury.

Also:

H. 2064. To permit the Court of County Commissioners, or any similar or successor governing body of Dallas County to supplement, from County funds, the salary of any Circuit Judge residing in said County and serving the Circuit Court of said County.

Also:

H. 2046. Applicable to any county having a population of not less than 54,500 nor more than 56,000 according to the most recent

federal census; to authorize such county to promulgate, administer, and enforce airport zoning regulations limiting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of airports, and to acquire, by purchase, grant, or condemnation, air rights and other interests in land; to provide penalties and remedies for violations of this act or of any ordinance or regulation made under the authority conferred herein; and for other purposes.

Also:

H. 2047. Amending Section 3 of Act No. 729, H. 598, Regular Session 1953 (Acts 1953, p. 985) which provides airport zoning regulations, so as to exclude counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census.

Also:

H. 2060. To authorize and empower the Madison County Commission or other governing body of Madison County, Alabama, to establish a county-wide water and sewage system by the purchase of any existing water and/or sewage authority in the county, or by legally acquiring same through any other method; to authorize the commission of said county, by appropriate resolution, to provide for the issuance of the necessary municipal bonds to pay for the purchase and/or operation of such a county-wide system; to provide for the operation of such systems; to repeal conflicting laws.

Also:

H. 1941. Relating to Madison County and the Twenty-Third Judicial Circuit; providing for the position of Administrative Assistant to the District Attorney and the position of Office Manager-Legal Secretary to the District Attorney.

Also:

H. 1926. To repeal Act No. 2190, H. B. 2769, Regular Session 1971, (Acts 1971, P. 3504), entitled "An Act relating to all counties having a population of not less than 175,000 nor more than 300,000, according to the most recent and any subsequent federal decennial census; to provide for the appointment and compensation of a bailiff in the county court in such counties; to repeal conflicting laws."

Also:

H. 1927. Relating to Madison County; providing for the appointment and compensation of a bailiff for each judge of the County Court and repealing conflicting laws.

Also:

H. 1928. To repeal Act No. 2282, S. 1220, Regular Session 1971, (Acts 1971, p. 3683), entitled "An Act To provide that the Family Court Division of the Circuit Court of all counties having a population of not less than 175,000 nor more than 300,000 according to the last federal decennial census shall collect a filing fee for the filing of juvenile cases in such court and providing further that the judges of such courts may assess a fine against juveniles for the violation of law and providing for the disposition of such costs and fine."

Also:

H. 1929. To repeal Act No. 2189, H. 2768, Regular Session 1971, (Acts 1971, p. 3503), entitled, "An Act To provide that the Family

Court Division of the Circuit Court of all counties having a population of not less than 175,000 nor more than 300,000 according to the last federal decennial census shall collect a filing fee for the filing of juvenile cases in such court and providing further that the Judges of such courts may assess a fine against juveniles for the violation of law and providing for the disposition of such costs and fine.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1992. To repeal Act No. 2188, H. B. 2767, Regular Session 1971, (Acts 1971, p. 3502), entitled, "An Act To provide that Judges of Probate of all counties having a population of not less than 175,000 nor more than 300,000 according to the last or any subsequent federal decennial census shall collect certain fees for services rendered and that the fees so collected shall be used to provide workmens' compensation benefits for all employees of such counties.

Also:

H. 1991. Relating to Madison County; providing for the health and welfare of children; requiring the mandatory reporting by physicians, institutions and others of injuries inflicted by other than accidental means, upon children under the age of sixteen years; exempting physicians, institutions and others from any liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report.

Also:

H. 1990. To repeal Act No. 1474, S. 1010, Regular Session 1971 (Acts 1971, p. 2514), entitled "An Act Relating to counties having populations of not less than 175,000 nor more than 300,000 according to the most recent Federal decennial census; providing for the health and welfare of children; requiring the mandatory reporting by physicians, institutions, and others of injuries inflicted by other than accidental means, upon children under the age of sixteen years; physicians, institutions and others from any liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report."

Also:

H. 1989. To repeal Act No. 1334, H. 2123, Regular Session 1971 (Acts 1971, p. 2283), entitled "An Act Relating to counties having populations of not less than 175,000 nor more than 300,000, according to the most recent Federal decennial census; providing for the health and welfare of children; requiring the mandatory reporting by physicians, institutions, and others of injuries inflicted by other than accidental

means, upon children under the age of sixteen years; physicians, institutions and others from liability, civil or criminal, that might otherwise be incurred or imposed for participation in such report; prescribing penalties for failure to report."

Also:

H. 1988. Relating to Madison County; providing authority for the Board of County Commissioners to provide assistance in the maintenance, restoration, care, and protection of ancient cemeteries.

Also:

H. 1987. To repeal Act No. 1448, S. B. 970, Regular Session 1971, (Acts 1971, p. 2471) entitled, "An Act To provide the Board of County Commissioners in any county having a population of not less than 175,000 nor more than 300,000, according to the most recent federal decennial census, may provide assistance in the maintenance, restoration, care, and protection of ancient cemeteries."

Also:

H. 400. Relating to the practice of public accounting; to regulate the practice of public accounting; to create a State Board of Public Accountancy and to provide for its membership and to prescribe its powers and duties; to provide for the regulation, examination, investigation, registration, issuance of certificates and permits, and for the revocation or suspension of certificates, registrations, and permits; to provide fees and charges and for expenses of said Board, making appropriations, prescribing penalties for violations of the Act, and repealing conflicting laws.

Also:

H. 243. To create a State Board of Auctioneers which shall administer and enforce the licensing of auctioneers in this state; to provide that licensees keep certain records; to assess fees; and to provide penalties for violations of this act.

Also:

H. 1114. To amend Section 2, Act No. 312, Acts of Alabama 1959, Vol. 2, p. 889 at 890, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 516. To increase certain fees prescribed for the Secretary of State to be charged for services performed in connection with service of process in certain cases, and for such purpose to amend further Code of Alabama 1940, Title 7, Sections 192, 193 and 199, as amended; Act No. 415, S. 280, Regular Session 1959 (Acts 1959, p. 1102), as amended; Act No. 128, S. 120, Regular Session 1949 (Acts 1949, p. 154), as amended; and Act No. 1936, H. 256, Regular Session 1971 (Acts 1971, p. 1325), all relating to such fees.

Also:

H. 517. Relating to the uniform commercial code, amending Sections 9-403 through 9-407, inclusive, of Act No. 549, S. 2, Regular Session 1965 (Acts 1965, p. 811), respecting the filing of secured transactions, so as to increase the fees to be paid the filing officer for the performance of certain duties.

Also:

H. 518. To amend further Sections 13 and 21 of Act No. 414, S. 261, Regular Session 1959 (Acts 1959, p. 1055), known as the Alabama Business Corporation Act, as heretofore amended, so as to increase the fees for filing certain statements of incorporation and amendments thereto.

Also:

H. 1059. To regulate annual leave and sick leave of state merit system employees, to provide for partial payment of accrued and unused sick leave at the time of retirement of such employees.

Also:

H. 1060. To further amend Section 9 of Act No. 833, S. 128, Regular Session 1965 (Acts 1965, p. 1564), as amended, which provides for payment of insurance costs by the state for employees of the state, so as to delete the maximum amount which may be expended for an individual employee's insurance.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 2. To amend Section 366 of the Title 52 of the Code of Alabama as amended which relates to the Teachers' Retirement System of Alabama.

Also:

H. 120. To amend Section 367 of Title 52 of the Code of Alabama of 1940 as amended to provide for addition of 3 additional members of the Teachers' Retirement System to the Board of Control of the Teachers' Retirement System and one member of the Alabama Retired Teachers' Association to the Board of Control of the Teachers' Retirement System and to provide other personnel as deemed necessary by the Board of Control.

Also:

H. 118. To authorize and permit teachers who have retired under the Teachers' Retirement Act to perform duties in the Public schools of Alabama and any state supported institution of higher learning when they are physically and mentally able to do so in the opinion of the employing authority, to prescribe the limitations therefor and to repeal Act No. 738 of the 1969 Regular Session of the Legislature.

Also:

H. 1109. To amend further Code of Alabama 1940, Title 51, Section 350, as amended, by Act No. 74, Acts of Alabama 1955, Vol. I, p. 191

at p. 192; and as further amended by Act No. 103, Acts of Alabama 1971, Vol. I, pp 184-186, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 1110. To amend further Act No. 92, Special Session, 1963, Acts of Alabama 1963, Vol. I, p. 257 at p. 258, as amended, by Act No. 135, Acts of Alabama 1964, pp 199-200, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization of the use of funds.

Also:

H. 1112. To amend Act No. 100, Section 32, Second Special Session, 1959, Acts of Alabama 1959, Vol. I, p. 298 at pp 314-315, the Alabama Sales Tax Law, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 1113. To amend Act No. 78, Second Special Session, 1955, Acts of Alabama 1955, Vol. 1, p. 199, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 1108. To amend further Code of Alabama 1940, Title 51, Section 741, as amended by Act No. 73, Section 2, Acts of Alabama 1955, Vol. I, p. 188 at pp 190-191, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

Also:

H. 1111. To further amend Section 5 of Act No. 298, Regular Session, 1947, General Acts of Alabama 1947, p. 149, as amended, by Act No. 589, Acts of Alabama 1963, Vol. II, pp 1285-1287; as further amended by Act No. 766, Acts of Alabama 1965, Vol. II, p. 1378, by changing "old age assistance purposes only" to "general welfare purposes" in the authorization for the use of funds.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1949. To repeal Act No. 323, H. 416, Third Special Session 1971, (Acts 1971, p. 4612), entitled, "An Act Providing for the election of a president and vice president of the city board of education to

such boards in cities having a population of not less than 135,000 nor more than 180,000 according to the last or any subsequent federal decennial census."

Also:

H. 1948. Relating to Madison County; permitting the county governing body to provide parking for certain persons and validating expenses incurred by the county governing body relative to parking prior to the passage of the Act.

Also:

H. 1947. To repeal Act No. 234, H. 255, Third Special Session 1971 (Acts 1971, p. 4504), entitled, "An Act To apply only to counties having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws."

Also:

H. 1946. To repeal Act No. 884, H. B. 1241, Regular Session 1969, (Acts 1969, v. 2, p. 1590), entitled, "An Act Relating to counties having populations of not less than 110,000 nor more than 160,000 according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws."

Also:

H. 1945. To repeal Act No. 1481, S. 1024, Regular Session 1971, (Acts 1971, p. 2537), entitled, "An Act Relating to counties having populations of not less than 175,000 nor more than 300,000, according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws."

Also:

H. 1944. To repeal Act No. 1325, H. 2110, Regular Session 1971, (Acts 1971, p. 2275), entitled, "An Act Relating to counties having populations of not less than 175,000 nor more than 300,000, according to the most recent federal decennial census; to permit the county governing body to provide parking for certain persons; to repeal conflicting laws."

Also:

H. 1943. Relating to the City of Huntsville in Madison County; and providing for the appointment of city recorders.

Also:

H. 1942. To repeal Act No. 1321, H. 2105, Regular Session 1971, (Acts 1971, p. 2272), entitled, "An Act Relating to city recorders; providing for appointment of recorders in cities having populations of not less than 135,000 nor more than 185,000, according to the 1970 or any subsequent Federal Decennial Census."

Also:

H. 2002. To repeal Act No. 1912, S. 1091, Regular Session 1971 (Acts 1971, p. 3102), entitled "An Act To regulate further the costs and fees in the county courts of all counties having populations of not less than 175,000 nor more than 300,000 according to the last or any subsequent federal census."

Also:

H. 2000. To repeal Act No. 1387, H. 2302, Regular Session 1971 (Acts 1971, p. 2330), entitled "An Act To confer upon the district attorney and other district attorneys in all counties having a population of not less than 175,000 nor more than 300,000 inhabitants according to the last or any subsequent federal decennial census the power to take oaths in support of complaints and to issue warrants in all criminal cases in such counties."

Also:

H. 1999. Relating to Madison County; fixing and providing for a uniform and clothing allowance for deputies and members of the Sheriff's force.

Also:

H. 1998. To repeal Act No. 233, H. B. 254, Third Special Session 1971, (Acts 1971, p. 4503), entitled, "An Act To apply only in counties having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; fixing and providing for a uniform and clothing allowance for deputies and members of the sheriff's force of such counties."

Also:

H. 1997. Relating to Madison County; providing an expense allowance for the Judge of the County Court and providing for an effective date for the operation of this Act.

Also:

H. 1996. To repeal Act No. 2192, H. B. 2771, Regular Session 1971, (Acts 1971, p. 3507), entitled, "An Act To provide an expense allowance for the Judge of the County Court in all counties having populations of not less than 175,000 nor more than 300,000 according to the last and any subsequent federal decennial census and to provide for an effective date for the operation of such act."

Also:

H. 1995. To repeal Act No. 145, H. 131, First Special Session 1971 (Acts 1971, p. 231), entitled, "An Act To provide for the election of a seven member City Board of Education for any city having a population of not less than 135,000 nor more than 180,000 according to the most recent federal decennial census; and to provide for the terms of its members."

Also:

H. 1994. Relating to Madison County; providing that the Judge of Probate shall collect certain fees for services rendered and that the fees so collected shall be used to provide workmens' compensation benefits for all employees of the county.

Also:

H. 1993. To repeal Act No. 2283, S. B. 1221, Regular Session 1971, (Acts 1971, p. 3684), entitled "An Act To provide that Judges of Probate of all counties having a population of not less than 175,000 nor more than 300,000 according to the last or any subsequent federal decennial census shall collect certain fees for services rendered and that the fees so collected shall be used to provide workmens' compensation benefits for all employees of such counties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment on the Board of Trustees of Auburn University.

Respectfully submitted

HARRY L. PENNINGTON
Executive Secretary

AUGUST 30, 1973

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed Frank Samford, Jr., of Birmingham, Alabama, as a member of the Board of Trustees of Auburn University from the 9th Congressional District, succeeding his father Frank P. Samford, Sr., resigned, for the term expiring in January 1975.

The above appointment is submitted to you for confirmation or for such action as you may deem right and proper.

Respectfully

GEORGE C. WALLACE
Governor

August 30, 1973

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointment to the Board of Trustees of Auburn University, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1970. To repeal Act No. 1488, S. 1083, Regular Session 1971, (Acts 1971, p. 2553), entitled, "An Act Creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000

people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the act; repealing all laws or parts of laws inconsistent with the provisions hereof."

Also:

H. 1971. To repeal Act No. 202, S. 133, Third Special Session 1971, (Acts 1971, p. 4468), entitled, "An Act To amend Act No. 1392, H. 2307, 1971 Regular Session, creating and establishing a county-wide personnel system for all counties of the State of Alabama having a population of not less than 175,000 and not more than 300,000 people according to the last federal decennial census; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; making it a misdemeanor to violate the provisions of the Act; repealing all laws or parts of laws inconsistent with the provisions hereof."

Also:

H. 1972. Relating to Madison County; creating and establishing a county-wide personnel system; providing for a personnel department to be composed of a personnel board and a personnel director; providing for the composition, powers, duties, functions and expenses of the board and for the selection and compensation of its members; providing for the selection, powers, duties and compensation of the personnel director; and providing penalties for violation of any of the provisions of this Act.

Also:

H. 1973. To repeal Act No. 1391, H. 2306, Regular Session 1971 (Acts 1971, p. 2571), entitled "An Act Relating to the practice of barbering in all counties having populations of not less than 175,000 nor more than 300,000, according to the most recent federal decennial census, and having county boards of barber examiners; providing further for the authority and duties of such boards with respect to the licensing of barbers, barbers' apprentices, barber shops, schools of barbering and owners and instructors thereof; providing for the appointment, terms and compensation of the members of such board; prescribing qualifications and fees of licensees of such board; providing rules and regulations; and declaring that the public health requires the necessity of the enactment of such provisions of law."

Also:

H. 1974. To repeal Act No. 1329, H. 2117, Regular Session 1971, (Acts 1971, p. 2535), entitled, "An Act To provide further for the compensation of election officials in each county having a population of not less than 175,000 nor more than 300,000 according to the 1960 or any subsequent federal decennial census."

Also:

H. 1975. To repeal Act No. 1478, S. 1015, Regular Session 1971, (Acts 1971, p. 2535), entitled, "An Act To provide further for the compensation of election officials in each county having a population of

not less than 175,000 nor more than 300,000, according to the 1960 or any subsequent federal decennial census."

Also:

H. 1976. Relating to Madison County; providing further for the compensation of election officials.

Also:

H. 1977. To repeal Act No. 895, H. B. 1593, Regular Session 1971, (Acts 1971, p. 1659), entitled, "An Act To authorize the governing bodies of all municipalities having populations of not less than 135,000 nor more than 185,000, according to the most recent federal decennial census, by ordinance, to authorize any municipal waterworks utility board, created in any such municipality by ordinance pursuant to Act No. 860, S. 408, Regular Session 1953, to make certain expenditures without the prior consent and approval of the governing body of any such municipalities."

Also:

H. 1954. Relating to Madison County; prescribing the maximum amount of compensation allowable to members of jury commissions.

Also:

H. 1953. To repeal Act No. 1509, S. 1025, Regular Session 1971, (Acts 1971, p. 2594), entitled, "An Act To prescribe the maximum amount of compensation allowable to members of jury commissions in all counties having populations of not less than 175,000 nor more than 300,000 according to the last federal decennial census."

Also:

H. 1952. To repeal Act No. 1328, H. 2116, Regular Session 1971, (Acts 1971, p. 2278), entitled, "An Act To prescribe the maximum amount of compensation allowable to members of jury commissions in all counties having populations of not less than 175,000 nor more than 300,000 according to the last federal decennial census."

Also:

H. 1951. To repeal Act No. 1330, H. 2118, Regular Session 1971, (Acts 1971, p. 2279), entitled, "An Act To apply only in counties having a population of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; fixing and providing for the payment of compensation of the members and chairman of the county governing body and providing for the payment of expenses incurred in the performance of their duties."

Also:

H. 1950. Relating to the City of Huntsville in Madison County; providing for the election of a president and vice president of the city board of education.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their

titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1983. To repeal Act No. 897, H. B. 1595, Regular Session 1971 (Acts 1971, p. 1661), entitled, "An Act To authorize the governing bodies of all municipalities having populations of not less than 135,000 nor more than 185,000, according to the most recent federal decennial census, by ordinance, to authorize any municipal electric utility board, created in any such municipality by ordinance, pursuant to Code of Alabama 1940, Title 18, Chapter 4, to make certain expenditures without prior consent and approval of the governing body of any of such municipalities."

Also:

H. 1982. Relating to Madison County; providing for the collection of a filing fee on instruments, documents and papers filed for records in the Probate Judge's office; and further providing that the county governing body may impose an additional filing fee for the filing and recording of the enumerated instruments.

Also:

H. 1981. To repeal Act No. 1901, S. B. 1018, Regular Session 1971 (Acts 1971, p. 3091), entitled, "An Act Providing for the collection of a filing fee on instruments, documents and papers filed for record in the office of the Probate Judge of each county having a population of not less than 175,000 nor more than 300,000 according to the last or any subsequent federal decennial census; further providing that the governing body of such counties may impose an additional filing fee for the filing and recording of the enumerated instruments."

Also:

H. 1980. To repeal Act No. 1326, H. 2114, Regular Session 1971, (Act 1971, p. 2275), entitled, "An Act Providing for the collection of a filing fee on instruments, documents and papers filed for record in the office of the Probate Judge of each county having a population of not less than 175,000 nor more than 300,000 according to the last or any subsequent federal decennial census; further providing that the governing body of such counties may impose an additional filing fee for the filing and recording of the enumerated instruments."

Also:

H. 1979. To repeal Act No. 238, H. B. 581, Regular Session 1961, (Acts 1961, V. 1, p. 268), entitled, "An Act To provide that the judges of probate of all counties having a population of not less than 110,000 nor more than 160,000 according to the last or any subsequent federal decennial census, shall not collect fees for: (1) filing a claim against an estate and giving a receipt therefor, (2) attesting a satisfaction of a mortgage or vendor's lien, (3) approving, filing and recording an official bond, (4) filing and recording deeds or conveyances to the county, and (5) administering an affidavit."

Also:

H. 1978. To repeal Act No. 1305, H. B. 2093, Regular Session 1971, (Acts 1971, p. 2350), entitled, "An Act To authorize the governing bodies of all municipalities having populations of not less than 135,000 nor more than 185,000, according to the 1970 or any subsequent Federal Decennial Census, by ordinance, to authorize any municipal gas utility board, created in any such municipality by ordinance pursuant to Act No. 861, S. 409, Regular Session, 1953, to make certain expenditures without prior consent and approval of the governing body of any of such municipalities."

Also:

H. 2028. To provide that the provisions of Act No. 2234, S. 249, Regular Session 1971 (Acts 1971, p. 3592), which Act abolishes primary elections in all cities and towns having populations of less than 300,000 in Alabama, shall not apply to Etowah County.

Also:

H. 1275. Relating to all counties having a population of not less than 22,000 nor more than 22,500, according to the most recent federal decennial census; providing an additional expense allowance for the county solicitor.

Also:

H. 1740. Relating to all counties having a population of not less than 150,000 nor more than 180,000 according to the last or any subsequent federal decennial census; providing for supernumerary sheriffs in said county; and fixing the qualifications, compensation, status and tenure of office for said officials.

Also:

H. 2025. To amend Section 2 of Act # 535, S. 528, regular session, 1965 (Acts, 1965, v. 1, p. 787), an Act relating to the duties and compensations of members of the County Commission of Bullock County, so as to provide a mileage allowance for the members of such Commission.

Also:

H. 2057. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, to prohibit the discharge of litter, specifically bottles and cans, sewage and any other trash or debris into the waters of such counties; to provide for enforcement and penalties for violations of the provisions of this act.

Also:

H. 2066. To make it a misdemeanor to pick wild sea oats on the beaches of counties having populations of not less than 57,000 nor more than 61,000, according to the most recent federal decennial census.

Also:

H. 2006. To repeal Act No. 1489, S. B. 1084, Regular Session 1971 (Acts 1971, p. 2341), entitled, "An Act To regulate further the compensation of members of the county board of registrars in all counties having populations of not less than 175,000 nor more than 300,000, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury."

Also:

H. 2007. Relating to Madison County so as to further regulate the compensation of the members of the board of registrars; providing for payment of additional compensation from the county treasury.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 2005. To repeal Act No. 1390, H. B. 2305, Regular Session 1971 (Acts 1971, p. 2559), entitled, "An Act To regulate further the compensation of members of the county board of registrars in all counties having populations of not less than 175,000 nor more than 300,000, according to the most recent federal decennial census; providing for payment of additional compensation from the county treasury."

Also:

H. 2075. To provide for the payment of expense allowances to members of the Board of Registrars, Jury Commission, and Board of Equalization of any county having a population of not less than 50,000 nor more than 52,500 according to the last federal decennial census.

Also:

H. 2072. Applicable to any county having a population of not less than 55,500 nor more than 56,500 according to the last federal decennial census; to provide an additional compensation for the members of the board of registrars of such county.

Also:

H. 2050. Relating to counties having a population of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census; to provide that any such county having an Intermediate Court shall use the rules of civil procedure adopted by the Alabama Supreme Court in such Intermediate Court.

Also:

H. 1454. To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than fifty-three (53,000) nor more than fifty-five (55,000) inhabitants according to the last or any subsequent Federal decennial census.

Also:

H. 1893. Relating to Houston County; to prevent nepotism in county service, prohibiting any officer or employee of the county or county

agencies from appointing persons related to him to any office or position of profit with the county or any agency thereof, and prescribing penalties.

Also:

H. 1894. Relating to Houston County; to provide for the compensation of the judge of probate in said county, and repealing conflicting laws.

Also:

H. 2022. Relating to Winston County; authorizing and requiring the Judge of Probate of said county to hold an election for the purpose of annexing certain territory to the city of Haleyville, and prescribing the conduct of such election.

Also:

H. 2040. To provide that any incorporated municipality in Perry County shall have the authority, after notice, to remove or demolish buildings, and parts of buildings, when nuisance; to provide for public hearings; to provide for special assessment constituting a lien on the property involved, and for the collection of such assessments.

Also:

H. 1920. Relating to counties having populations of not less than 54,500 nor more than 56,000 according to the most recent or any subsequent federal decennial census; further providing for the procedure for redeeming lands sold for taxes in such counties; transferring certain duties of the probate judge to the tax collector; relieving the probate judge of such duties; and repealing conflicting Acts.

Also:

H. 1874. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties.

Also:

H. 442. To further amend Section 2 of Act No. 287, H. 193, First Special Session 1965 (Acts 1965, p. 395), which section relates to the compensation of members of the board of commissioners in cities having populations of not less than 175,000 nor more than 275,000 inhabitants, according to the last federal decennial census, so as to increase the compensation of said members.

Also:

H. 1986. To repeal Act No. 1883, S. 1014, Regular Session 1971, (Acts 1971, p. 3064), entitled, "An Act To provide for establishment and operation of family court divisions of the circuit courts of all counties having populations of not less than 175,000 nor more than 300,000; prescribing the jurisdiction of such court divisions and providing for selection, appointment, qualifications, tenure, and compensation of their officers and administrative and clerical personnel; abolishing special courts having jurisdiction of juveniles and domestic relations cases."

Also:

H. 1985. Relating to the City of Huntsville; providing that the city board of education shall adopt written policies with regard to

education; providing the manner in which such policies shall be adopted; providing that such written policies shall be made available to all teachers employed by the board; and providing that such written policies and written amendments thereto shall be filed with the city superintendent of education.

Also:

H. 1984. To repeal Act No. 43, H. 72, Second Special Session 1971, (Acts 1971, p. 4180), entitled, "An Act To provide that the city board of education in all municipalities having a population of not less than 70,000 nor more than 300,000 according to the 1970 or any subsequent federal decennial census, shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to all teachers employed by the board; and to provide that such written policies and written amendments thereto shall be filed with the city superintendent of education."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 2008. To repeal Act No. 1332, H. B. 2120, Regular Session 1971 (Acts 1971, p. 2281), entitled, "An Act Relating to registration of voters; providing for meeting days of board of registrars in counties of 175,000 to 300,000 population according to the last Federal Decennial Census; and providing for clerical assistants to be furnished to the board by county and city government."

Also:

H. 2009. To repeal Act No. 1475, S. B. 1011, Regular Session 1971 (Acts 1971, p. 2516), entitled, "An Act Relating to registration of voters; providing for meeting days of board of registrars in counties of 175,000 to 300,000 population according to the last Federal Decennial Census; and providing for clerical assistants to be furnished to the board by county and city government."

Also:

H. 2010. Relating to Madison County; pertaining to the registration of voters; providing for meeting days of the board of registrars; and providing for clerical assistants to be furnished to the board by county and city government.

Also:

H. 2011. To repeal Act No. 1877, H. 2112, Regular Session 1971 (Acts 1971, p. 3056), entitled, "An Act To provide for official court reporters in all circuit courts in all counties in the State of Alabama

having a population of not less than 175,000 nor more than 300,000 inhabitants according to the then next preceding Federal census; to fix the duties and status and authority of such court reporters; and to provide for the appointment of such court reporters by each circuit judge in such counties and to provide for the compensation and salary of such court reporters."

Also:

H. 2012. To repeal Act No. 1902, S. 1020, Regular Session 1971, (Acts 1971, p. 3093), entitled "An Act To provide for official court reporters in all circuit courts in all counties in the State of Alabama having a population of not less than 175,000 nor more than 300,000 inhabitants according to the then next preceding Federal census; to fix the duties and status and authority of such court reporters; and to provide for the appointment of such court reporters by each circuit judge in such counties and to provide for the compensation and salary of such court reporters."

Also:

H. 2013. To repeal Act No. 1310, H. 2124, Regular Session 1971, (Acts 1971, p. 2258), entitled, "An Act Relating to counties having a population of not less than 175,000 nor more than 300,000; further regulating the sale of alcoholic beverages in such counties and certain municipalities therein."

Also:

H. 2014. To repeal Act No. 2490, S. 1016, Regular Session 1971 (Acts 1971, p. 3896), entitled, "An Act Relating to counties having populations of not less than 175,000 nor more than 300,000; further regulating the sale of alcoholic beverages in such counties and certain municipalities therein."

Also:

H. 2015. Relating to Madison County and the City of Huntsville; further regulating the sale of alcoholic beverages therein.

Also:

H. 2016. To repeal Act No. 1701, H. B. 2498, Regular Session 1971 (Acts 1971, p. 2859), entitled "An Act To authorize counties having a population of not less than 175,000 nor more than 300,000 inhabitants according to the most recent federal decennial census; to require building permits for any structures erected in said county; to authorize and provide a means to implement the provisions of said Act; to authorize funds necessary to implement this procedure."

Also:

H. 2017. Relating to Madison County; requiring building permits for any structures erected in said county; authorizing and providing means to implement the provisions of said Act; and authorizing funds necessary to implement this procedure.

Also:

H. 2018. To repeal Act No. 680, H. B. 954, Regular Session 1967, (Acts 1967, v. II, p. 1507), entitled, "An Act To fix the compensation of the judge of the county court in any county having a population of not less than 170,000 nor more than 300,000 according to the last or any succeeding federal census."

Also:

H. 2019. Relating to Madison County; fixing the compensation of the Judge of the county court.

Also:

H. 2020. To repeal Act No. 24, H. 160, First Special Session 1964, (Acts 1964, p. 45), entitled, "An Act To apply in all counties having a population of not less than 110,000 nor more than 160,000 inhabitants, according to the last or any subsequent federal decennial census: To permit any bank having a combined capital and surplus of one hundred thousand dollars or more, and having an authorized office or place of business in any city or town in any such county, to establish, maintain, and operate additional offices or places of business in such county, upon obtaining the approval of the Superintendent of Banks."

Also:

H. 2001. To repeal Act No. 1491, S. 1087, Regular Session 1971, (Acts 1971, p. 2569), entitled "An Act To confer upon the district attorney and other district attorneys in all counties having a population of not less than 175,000 nor more than 300,000 inhabitants according to the last or any subsequent federal decennial census the power to take oaths in support of complaints and to issue warrants in all criminal cases in such counties."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1930. Relating to Madison County; providing that the Family Court Division of the Circuit Court shall collect a filing fee for the filing of juvenile cases in such court and providing further the judges of such court may assess a fine against juveniles for the violation of law and providing for the disposition of such cost and fine.

Also:

H. 1931. To repeal Act No. 1199, H. 2111, Regular Session 1971, (Acts 1971, p. 2078), entitled, "An Act Relating to counties having a population of not less than 175,000 nor more than 300,000, prohibiting the pollution, discoloration, contamination, clogging or diversion of public streams, and providing penalties for violations."

Also:

H. 1932. Relating to Madison County; prohibiting the pollution, discoloration, contamination, clogging or diversion of public streams, and providing penalties for violations of any of the provisions of this Act.

Also:

H. 1933. To repeal Act No. 1479, S. 1019, Regular Session 1971, (Acts 1971, p. 2535), entitled, "An Act Relating to counties having populations of not less than 175,000 nor more than 300,000, according to the most recent federal decennial census, and to certain cities therein; providing for acquisition, construction, maintenance, management, and operation of places of detention for juveniles in such counties and cities."

Also:

H. 1934. To repeal Act No. 1333, H. 2121, Regular Session 1971, (Acts 1971, p. 2282), entitled, "An Act Relating to counties having populations of not less than 175,000 nor more than 300,000, according to the most recent federal decennial census, and to certain cities therein; providing for acquisition, construction, maintenance, management, and operation of places of detention for juveniles and persons confined on orders of family court judges in such counties and cities."

Also:

H. 1935. Relating to Madison County and the City of Huntsville in Madison County; providing for the maintenance, management and operation of places of detention for juveniles.

Also:

H. 1936. To repeal Act No. 1327, H. B. 2115, Regular Session 1971, (Acts 1971, p. 2277), entitled, "An Act To provide, in all judicial circuits composed of one county having a population of between 175,000 and 300,000 persons according to the last Federal Decennial Census, for placing in the general fund of the county composing each of said judicial circuits all surplus funds given to the District Attorney's Office, in any such judicial circuit, by accused persons as restitution for worthless checks; which surplus funds, after an audit and diligent search cannot be applied to an existing case in the judicial circuit where such funds were paid in."

Also:

H. 1937. To repeal Act No. 1884, S. B. 1021, Regular Session 1971, (Act 1971, p. 3068), entitled, "An Act To provide, in all judicial circuits composed of one county having a population of between 175,000 and 300,000 persons according to the last Federal Decennial Census, for placing in the general fund of the county composing each of said judicial circuits all surplus funds given to the District Attorney's Office, in any such judicial circuit, by accused persons as restitution for worthless checks, which surplus funds, after an audit and diligent search cannot be applied to an existing case in the judicial circuit where such funds were paid in."

Also:

H. 1938. Relating to Madison County and the Twenty-Third Judicial Circuit; providing for placing in the general fund of the county all surplus funds given to the District Attorney's office in the circuit by accused persons as restitution for worthless checks; which surplus funds, after an audit and diligent search cannot be applied to an existing case in which such funds were paid in.

Also:

H. 1939. To repeal Act No. 1389, H. 2304, Regular Session 1971, (Acts 1971, p. 2340), entitled, "An Act To provide for the position of Administrative Assistant to the District Attorney and the position of Office Manager-Legal Secretary to the District Attorney in judicial

circuits, composed of one county, having a population of between 175,000 and 300,000 persons according to the last Federal Decennial Census."

Also:

H. 1940. To repeal Act No. 1492, S. 1088, Regular Session 1971, (Acts 1971, p. 2570), entitled, "An Act To provide for the position of Administrative Assistant to the District Attorney and the position of Office Manager-Legal Secretary to the District Attorney in judicial circuits, composed of one county, having a population of between 175,000 and 300,000 persons according to the last Federal Decennial Census.

Also:

H. 2021. Relating to Madison County and any city or town located therein; providing that any bank having a combined capital and surplus of one hundred thousand dollars or more, and having an authorized office or place of business in any city or town located in the county, to establish, maintain, and operate additional offices or places of business in such county, upon obtaining approval of the State Superintendent of Banks.

Also:

H. 2003. To repeal Act No. 2225, H. 2689, Regular Session 1971 (Acts 1971, p. 3579), entitled "An Act To regulate further the costs and fees in the county courts of all counties having populations of not less than 175,000 nor more than 300,000 according to the last or any subsequent federal census."

Also:

H. 2004. Relating to Madison County; regulating the costs and fees in the county courts.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1081. To fix the compensation or salary of the Treasurer of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent Federal Census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Also:

H. 111. Relating to counties having a population in excess of 600,000 inhabitants; providing that automotive parts businesses, antique dealers, flea markets, gift shops, and shops operated at hospitals,

public parks, public airports, public auditoriums and civic centers or bowling alleys in such counties may operate on Sunday.

Also:

H. 644. To amend Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended relating to courts of General Sessions of Mobile.

Also:

H. 1061. To provide salary increases for certain state employees; and to appropriate funds therefor.

Also:

H. 1049. To fix the compensation or salaries of Circuit Clerk in Counties of 600,000 inhabitants or more, according to the last or any subsequent Federal Census.

Also:

H. 635. To amend Title 13, Section 199(2), Code of Alabama, 1940, (Recompiled 1958), as last amended, fixing the salary of a certain deputy circuit clerk of the tenth judicial circuit.

Also:

H. 639. To fix the compensation of the deputy probate judges of any branch office of the Probate Court in counties having a population of 600,000 or more according to the last or any subsequent census, and provide for payment thereof.

Also:

H. 2030. Relating to Hale County; providing for the election and tenure of the members of the county board of education.

Also:

H. 1128. To provide for official Secretary-Court Reporters in all Probate Courts in all counties of the State of Alabama having a population of not less than 300,000 inhabitants according to the then next preceding Federal census; to fix the duties and status and authority of such Secretary-Court Reporters; and to provide for the appointment of such Secretary-Court Reporters by each Probate Judge in such counties and to provide for the compensation and salary of such Secretary-Court Reporters; and to abolish Bills of Exceptions in such courts, and to provide that the provisions of Act No. 461, H. 76, Regular Session 1943, (Acts 1943, p. 423) shall apply to and govern procedures in such courts.

Also:

H. 1526. Relating to all counties having a population of not less than 300,000 nor more than 600,000, according to the most recent decennial census; providing for the compensation of the members of the governing body of said counties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their

titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1268. Relating to Henry County; levying in such county additional privilege license and excise taxes, paralleling the state sales and use taxes provided for in Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298) as amended, and the Code of Alabama, 1940, Title 51, Chapter 20, Article 11, as amended; providing for the collection of such taxes by the State Department of Revenue, and for the distribution and use of the proceeds thereof; providing for the enforcement of the act; providing penalties for violations of the act.

Also:

H. 1307. To amend Section 2, Title 22, Code of Alabama 1940, as amended and add Sections 2(a), 2(b), 2(c), 2(d), 2(e), which sections relate to the State Board of Health, and the State Committee of Public Health so as to further regulate the same.

Also:

H. 339. To make an appropriation to the department of agriculture and industries for the two fiscal years ending September 30, 1974 and September 30, 1975, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of cholera and African swine fever.

Also:

H. 1678. To authorize and direct the Commissioner of Conservation and Natural Resources for One Dollar (\$1.00) to execute and deliver on behalf of the State of Alabama a proper conveyance of certain real property to the Board of Trustees of the University of South Alabama and certain other real property to the Mobile County Board of School Commissioners; and to provide for the relinquishment of certain rights in a certain part of such property by the Mobile County Board of School Commissioners.

Also:

H. 1682. To transfer the historic property known as the Powder Magazine owned by the Finance Department of the State of Alabama to the City of Montgomery.

Also:

H. 1401. To amend Act Number 755 of the Regular Session of the Legislature of 1967 as amended by Act 1943 of the 1971 Regular Session of the Legislature relating to Supernumerary Tax Assessors, Collectors, License Commissioners and other officials by changing their requirements, qualifications and compensation.

Also:

H. 566. Relating to the thirty-seventh judicial circuit; providing for additional circuit court judge in such circuit.

Also:

H. 114. To authorize and provide for the payment out of the general fund in the state treasury of a gratuity to each member of

the armed services from this State who was a prisoner of war in Vietnam; to provide for the administration of this Act by the State Department of Veterans Affairs.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 1132. To provide a method by which an insurance company incorporated under the laws of this State may, by resolution of its board of directors, apply any part or all of its capital surplus to the elimination or reduction of any deficit, however incurred.

Also:

H. 1023. To further identify creditable years of service under the Employees' Retirement System of Alabama, and Teachers' Retirement System of Alabama.

Also:

H. 285. To authorize each of the municipalities in this State to provide buildings and other facilities for lease to and use by one or more regional, national or international association or organization, one or more of the purposes or objects of which shall consist of one or more of the following: the promotion of patriotism or good citizenship, the development of civic pride or consciousness, the improvement of trade, business, professional or economic conditions, or the promotion of health, safety, conservation, community beautification, or community welfare, and the membership of which regional, national or international association or organization shall include (1) persons, firms or corporations residing or domiciled in not less than twelve of the states of the United States, including at least two such members residing or domiciled in the State of Alabama, or (2) local organizations or clubs with like objects or purposes situated in not less than twelve of the states of the United States, including at least two such organizations or clubs situated in the State of Alabama; to authorize municipalities to acquire one or more projects consisting of buildings for the supplying of offices, storage and related facilities to such regional, national or international organizations, together with any lands or interests therein deemed desirable in connection therewith, to improve, enlarge, expand, equip, furnish, insure and maintain one or more such projects, to lease such properties subject to certain specified requirements, to finance the cost of such acquisition, improvement, enlargement, expansion, equipment and furnishing by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties and to enter into contracts and agreements and to do all acts necessary for or incidental to the performance of the duties and the execution of the powers of a mu-

municipality under said Act; to provide that such bonds shall not be subject to the laws of the State of Alabama governing usury; to authorize the refunding of any such bonds; to provide for remedies in the event of default respecting any bonds issued under the Act; to exempt from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder and any deeds or other documents whereby properties are acquired by a municipality under the Act; to prohibit any municipality from making contributions to the cost of any such properties and from furnishing land therefor; to provide that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; to provide that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; to provide the purposes for which the proceeds from the sale of such bonds may be used; to provide that the provisions of Act No. 217 of the 1967 Special Session of the Legislature which relate to competitive bidding shall not be applicable to any contracts made by municipalities under the Act; and to provide that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof.

Also:

H. 1248. To supplement Act No. 107 adopted at the 1965 First Special Session of the Legislature of Alabama, as heretofore amended, so as to provide a comprehensive system of law applicable to any corporation organized pursuant to the said Act, the service area of which includes a resort area and which has obtained the express approval of the governing body of each county in which it carries on its operations to exercise the powers conferred hereby; to permit such a corporation to construct improvements consisting of sanitary sewers and sewer facilities in resort areas located within its service area which are outside the corporate limits of any municipality and within the service area of such corporation; to provide a method for the assessment of the cost of any such improvements against the property abutting on, or drained, served, or benefited by such improvements; to require the adoption of a resolution describing the improvement and the property abutting on, or the area to be drained, served or benefited by such improvement; to require the filing of plans and specifications for such improvement; to provide for publication and mailing of notice of the adoption of the said resolution; to provide for a public hearing on such improvement; to provide for payment of the cost of the improvement; to provide for public advertisement for bids for the construction of the improvement; to provide for supervision of the work; to provide for the levy of assessments on the property benefited by any improvement; to provide for the preparation of a list of owners and parcels to be assessed, and publication of notice of such list; to provide for any defects or errors therein; to provide for a hearing on the proposed assessments and making the same final; to provide for the establishment of a lien on the property subject to the assessments and for the priority thereof; to provide for the reduction or abatement of certain assessments; to authorize the transfer and assignment of such liens, and for the enforcement thereof; to specify other provisions with respect to such liens; to provide a system for appeals from the making of such final assessment; to provide a system for payment of all assessments and for default in such payments; to authorize lands subject to such liens to be sold in satisfaction thereof and a system for the redemption of such lands after any such sale; to establish a procedure for the termination of any right of redemption; to provide a system for the issuance of notes or bonds to finance any such improvements; to exempt any securities issued hereunder from Chapter

6 of Title 12 of the Code of Alabama of 1940, as heretofore or hereafter amended; to specify requirements with respect to any such notes or bonds; to require public sale thereof with certain exceptions; to provide for the refunding thereof under specified circumstances; to provide that any such bond shall be incontestable after a specified period; to provide that all such bonds and notes and the interest thereon shall be exempt from taxation; to provide for the replacement of lost, destroyed or mutilated bonds and for the refunding of outstanding bonds; to establish sinking fund accounts for the payment of bonds and for the grouping of improvements for a single bond issue; to specify the use of funds received from the said assessments and to establish liability on official bonds for the handling of such funds; to provide for a refund of excess collections in certain circumstances; to provide for the effect of annexation or incorporation of an area in which assessments have been made; to provide for the severability of the provisions of this act and for the repeal of inconsistent laws; and to establish the effective date of this act.

Also:

H. 985. To amend further Title 51, Section 21, Alabama Code 1940, by further exempting from taxation any tree, bush, vine or other growing thing from which a crop is harvested.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 166. Designating the new Coosa River Bridge on Highway 77 in Southside, Alabama, the Richard Malone Bridge.

Also:

H. J. R. 179. EXPRESSING THE REGRET OF THE LEGISLATURE UPON THE DEATH OF BRYCE C. DAVIS.

Also:

H. J. R. 183. COMMENDING COLBERT COUNTY HIGH SCHOOL ON ITS OUTSTANDING SPORTS RECORD.

Also:

H. J. R. 192. MOURNING THE DEATH OF MERVYN HAYDEN STERNE.

Also:

H. J. R. 194. COMMENDING E. L. STEWART.

Also:

H. J. R. 197. Mourning the death of Thomas W. Bradford

Also:

H. J. R. 202. Giving tribute to the life of James Edwin Horton, Jr.

Also:

H. J. R. 203. Thanking those responsible for the Pork Producers' Barbecue.

Also:

H. J. R. 204. Mourning the death of Milligan Earnest

Also:

H. J. R. 205. COMMENDING DR. BURIS R. BOSHELL

Also:

H. J. R. 206. Commending Honorable Hartwell B. Lutz of Madison County for undertaking the important task of revising all Madison County local legislation passed by previous legislators.

Also:

H. J. R. 214. COMMENDING COLBERT COUNTY HIGH SCHOOL ON ITS OUTSTANDING SPORTS RECORD.

Also:

H. J. R. 212. WISHING MRS. ALICE J. DUCK "BEST WISHES" DURING HER RETIREMENT YEARS.

Also:

H. J. R. 213. COMMENDING JOHN RUSSELL PARRISH

Also:

H. J. R. 215. HONORING COMPANY C, FIRST BATTALLION, 20TH SPECIAL FORCES GROUP (AIRBORNE) OF THE FIRST SPECIAL FORCES.

Also:

H. J. R. 216. DESIGNATING MR. BOB CAIN AND THE CANE-BREAKERS AS THE OFFICIAL BAND OF THE 1973 ALABAMA LEGISLATURE.

Also:

H. J. R. 217. COMMENDING THOMAS HAROLD ESPY FOR HIS WORK WITH THE STATE HIGHWAY DEPARTMENT.

Also:

H. J. R. 225. COMMENDING WILLIAM B. COOPER OF ROSINTON FOR HIS DILIGENT AND DEDICATED SERVICE TO THE PEOPLE OF BALDWIN COUNTY.

Also:

H. J. R. 226. MOURNING DEATH OF GEORGE HAMMERLY COPELAND

Also:

H. J. R. 227. EXPRESSING THE REGRET OF THE LEGISLATURE UPON THE DEATH OF MR. R. C. WILLIAMS

Also:

H. J. R. 231. COMMENDING JOHN SCOTT OF THE CAPITOL SECURITY FORCE FOR HIS EXCELLENT ATTITUDE IN THE PERFORMANCE OF HIS DUTIES.

Also:

H. J. R. 241. MOURNING THE DEATH OF MRS. IRENE WELCH OF MONTGOMERY.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 137. To amend Title 52, Section 166 of the Code of Alabama of 1940; to provide that the city board of education shall adopt written policies with regard to education; to provide for the manner in which such policies shall be adopted; to provide that such written policies shall be made available to all teachers employed by the board; and to provide that such written policies and written amendments thereto shall be filed with the state superintendent of education.

Also:

S. 138. To amend Title 52, Section 73 of the Code of Alabama of 1940; to provide that the county board of education shall adopt written policies with regard to education and to provide that such written policies shall be made available to all employees of the board.

Also:

S. 461. To provide for supplementing the salaries or compensation paid to retired or supernumerary Circuit Judges in judicial circuits composed of one county and having not less than four nor more than six Circuit Judges.

Also:

S. 506. To create the office of Ex-officio Judge of any County Court exercising original jurisdiction over general misdemeanors in Judicial Circuits composed of only one county and having a population of not less than 110,000 people nor more than 160,000 people according to the last and any subsequent decennial Federal census; to prescribe the powers, duties and authority of the Ex-officio Judge; to provide for the appointment of such Ex-officio Judge, the fixing of his salary, and the furnishing of quarters, supplies and assistants to him, and to provide a Supervisory Board, and prescribe its authorities and responsibilities.

Also:

S. 805. To provide for two deputy district attorneys for the 27th judicial circuit and their compensation and appointment.

Also:

S. 846. To alter, rearrange and extend the boundary lines and corporate limits of cities having a population of not less than 5,550 nor more than 5,700 inhabitants that lie within counties having a population of not less than 53,000 nor more than 55,000 according to the most recent federal decennial census.

Also:

S. 850. Relating to all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census; providing further for the distribution of fines and forfeitures from convictions in certain cases of traffic violations; validating, ratifying and confirming all prior deposits of such fines and forfeitures; repealing all conflicting laws and parts of laws general, local and special.

Also:

S. 855. Relating to counties having populations of not less than 23,900 nor more than 24,450 according to the most recent federal decennial census; to authorize the board of registrars to meet for 60 days in addition to the number of days now provided by law for the purpose of implementing the federal court's plan of reapportionment; to authorize the county commission to appoint additional personnel and clerical help to work under the board of registrars, to determine the compensation of such personnel and to pay such compensation from the general fund of the county.

Also:

S. 857. To further amend Sections 2 and 3 of Act No. 491, S. 444, Regular Session 1961, as amended, An Act relative to cities in the state having a population of not less than 60,000 nor more than 70,000 people, according to the last or any subsequent federal decennial census; providing for a commission form of government in such cities; and providing for the term of the members of said commission board, and the time and manner of calling and holding an election therefor.

Also:

S. 861. To create the office of county license inspector in all counties of this state having a population of not less than 65,000 or more than 68,000 inhabitants, according to the last or any subsequent Federal decennial census, and to provide for the appointment of a license inspector, fix his compensation, prescribe his duties and define his powers, and provide for the operation of his office.

Also:

S. 862. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of certain deputies in the office of the sheriff.

Also:

S. 870. Relating to counties having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such counties.

Also:

S. 876. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the base salary for the secretaries in the offices of the Judge of the Inferior Court, the Intermediate Court, and the District Attorney's Office.

Also:

S. 877. Relating to counties having a population of not less than 53,000 nor more than 55,000 inhabitants according to the last federal decennial census; to require the use of voting machines at all polling places; to allow the designation of voting places; to permit electors to register votes on any voting machine at the designated voting place; to provide for employment of a custodian of voting machines, how appointed, qualifications, salary, bond; to allow candidates in an election the right to designate a representative to be present at the opening of each voting machine for tabulation of results; candidates to have right to demand in writing of body in charge of ballot boxes to break seals for recanvass of votes in voting machines.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Snell:

H. 410. To amend Section 115, of Title 12 Code of Alabama, 1940.

Also:

By Messrs. Mims, Falkenburg, Doss, Connell, Reed (T), Bank, McNair, Boutwell, Erdreich, McMillan, Burgess, and Timmons:

H. 709. To amend Section 1 of Act No. 1981, H. 732, Regular Session 1971, (Acts 1971, v. IV, p. 3224), which act establishes the Alabama Peace Officers Standards and Training Commission, so as to include the Alabama Board of Corrections within the meaning of a "law enforcement agency" and a "law enforcement officer."

Also:

By Messrs. Merrill, Stewart, and Burgess:

H. 621. To amend Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646); to provide for the issuance of special license tags to owners of private or pleasure motor vehicles who hold citizen's band radio licenses issued by the Federal Communications Commission.

Also:

By Mr. Grainger:

H. 1645. To authorize the Alabama Board of Nursing to grant from its contingency fund \$50,000 per year for each fiscal year ending in September of 1974 and 1975 to qualified agencies, individuals or institutions to promote voluntary continuing education for registered nurses and Licensed Practical Nurses.

Also:

By Mr. Reed (T):

H. 113. To amend Sections 1 and 4 of Act No. 590, H. 138, Page 827, Volume 2, Acts of Alabama 1957, relating to the provisions of a state scholarship program to promote the education of nurses; and making appropriations therefor.

Also:

By Messrs. Brassell, Adams and Turnham:

H. 272. To amend Sections 2, 5, 7, and 11 and repeals Section 18 of Act No. 403, H. 330, Regular Session 1971 (Acts 1971, p. 689) which act relates to requiring the registration and licensing of barbers and barber apprentices, and barber colleges, creating a Board of Barber Examiners and prescribing penalties for violation of the act.

Also:

By Messrs. Ellis, Doss and Timmons:

H. 12. To provide tuition grants to any full time law enforcement officer of the state, municipality or county who attends any state supported college in this state which offers courses toward a Bachelor's Degree in Law Enforcement so as to allow eligible officers to take such courses free of tuition charges.

Also:

By Messrs. Stubbs, Lyons and Smith (P):

H. 1890. To create the Alabama Science & Technology Commission; to provide for the members thereof and to provide for terms, compensation, duties and powers thereof; and to appropriate funds.

Also:

By Messrs. King, Grainger, McBride, Hearn, Falkenburg, Doss and Lutz:

H. 1281. To establish in the Alabama State Board of Health a program for the care of persons suffering from chronic renal diseases, designating powers and duties in relation thereto, and making an appropriation therefor.

Also:

By Messrs. McMillan, Lyons, Erdreich, Merrill, Boutwell, Flipppo, Lutz, St. John and McNair:

H. 1804. To further amend Section 385, Title 51, Code of Alabama of 1940 as heretofore amended to allow as a deduction in the computation of net income for income tax purposes contributions under pension, profit-sharing and annuity plans for the benefit of self-employed individuals or employees or both.

Also:

By Messrs. McMillan, Lyons, Erdreich, Merrill, Boutwell, Flippo, Lutz, St. John and McNair:

H. 1805. To further Amend Section 392, Title 51, Code of Alabama of 1940 as heretofore amended.

Also:

By Messrs. Carter, Smith (K), Drake, St. John, McDonald, Cross, Crawford, Lang, Bank, Adams, Stewart, Kinsey and Cauthen:

H. 2144. To require each city and county board of education in this state to grant lunchroom workers and custodial employees in each public school in this state the same percentage raise as was granted to school teachers under the provisions of the Special Educational appropriation bill enacted at the 1973 Regular Session of the Legislature.

Also:

By Messrs. Smith (P), Warren, Wise, Benton, Hobbie, Barkett, Chesnut, Mims, Drake, Connell, Lang, Culver and Easters:

H. 338. To amend Title 51, Section 46, Code of Alabama 1940, which relates to estimating the value of property for the purpose of taxation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 410. To the Committee on County Government.

H. B. 709. To the Committee on Public Buildings and Grounds.

H. B.'s 621, 338 and 2144. To the Committee on Commerce, Transportation and Common Carriers.

H. B.'s 1645, 12, 1890, 1804 and 1805. To the Committee on Finance and Taxation.

H. B.'s 113, 272 and 1281. To the Committee on Health.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Goodwin:

H. 2279. To authorize the county governing body of counties having a population of not less than 45,500 nor more than 52,000, according to the most recent federal decennial census, to pay all dues, fees, and expenses incurred by the Tax Assessors, Tax Collectors, or other like official by membership in their State organization.

Also:

By Mr. Goodwin:

H. 2278. To authorize the county governing body of counties having a population of not less than 23,900 nor more than 24,450, according to

the most recent federal decennial census, to pay all dues, fees, and expenses incurred by the Tax Assessors, Tax Collectors, or other like official by membership in their State organization.

Also:

By Messrs. Bassett and Hardin:

H. 2277. To apply only in counties having populations of not less than 24,900 nor more than 25,150, to provide for the appointment of the County Superintendent of Education; to prescribe his qualifications, duties and term of office; and to repeal all conflicting laws.

Also:

By Mr. McCluskey:

H. 2282. To provide further for the procedure for redeeming lands sold for taxes in Talladega County; to transfer certain duties of the probate judge of said county to the tax collector and to relieve the probate judge of such duties; and to repeal conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF TALLADEGA**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

**A BILL
TO BE ENTITLED
AN ACT**

To provide further for the procedure for redeeming lands sold for taxes in Talladega County; to transfer certain duties of the probate judge of said county to the tax collector and to relieve the probate judge of such duties; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. The procedure for the redemption of lands sold for taxes in Talladega County shall be the same as provided in Code of Alabama 1940, Title 51, Chapter 14, Article 5, as amended, except that all such duties relating to tax sales and the redemption of land from tax sales as are required of and performed by the probate judge, shall be transferred to and performed by the tax collector, and the probate judge shall be relieved of all such duties.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall take effect on the first day of the month next following the date of its enactment, but it shall not affect proceedings that were begun before such date.

**STATE OF ALABAMA
TALLADEGA COUNTY**

Personally appeared before me, a Notary Public in and for said County Mrs. Joyce Dillard, who being duly sworn according to law

deposes and says that he is the Bookkeeper of the SYLACAUGA ADVANCE a newspaper published in said County and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit in the issues hereof dated as follows: August 2, August 9, August 16, August 23, 1973.

MRS. JOYCE DILLARD.

Subscribed and sworn to before me this 23rd day of August, 1973.

H. C. KRAMER,
Notary Public.

Also:

By Messrs. Smith (P) and McCluskey:

H. 2284. Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the last or any subsequent federal decennial census; to levy a pistol permit fee in such counties.

Also:

By Messrs. Connell and Crawford:

H. 2286. To amend Section 12 (a) of Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971), an act creating and establishing the Houston County Court of Houston County, Alabama, in order to fix additional compensation or salary for the Clerk and Register of the Circuit Court and to fix the compensation or salary for the Clerk of the Juvenile Division of said Houston County Court and to provide for the additional office of Deputy Clerk of said Houston County Court, Juvenile Division, and the appointment, duties, terms of office, powers, authority and compensation of the holder of such office.

With notice and proof thereto attached and herewith exhibited as follows:

SYNOPSIS

An amendment of the Act creating and establishing the Houston County Court of Houston County, Alabama in order to provide additional clerical assistance for the Court and secondly to raise the pay for the Judge's secretary and thirdly to increase the compensation paid to the Clerk and Register of the Circuit Court for their services as Clerk and Register of the Houston County Court.

A BILL TO BE ENACTED AN ACT

To amend Section 12 (a) of Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971), an act creating and establishing the Houston County Court of Houston County, Alabama, in order to fix additional compensation or salary for the Clerk and Register of the Circuit Court and to fix the compensation or salary for the Clerk of the Juvenile Division of said Houston County Court and to provide for the additional office of Deputy Clerk of said Houston County Court, Juvenile Division, and the appointment, duties, terms of office, powers, authority and compensation of the holder of such office.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12 (a) of Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971) is hereby amended to read as follows:

"Section 12 (a) The Clerk and Register of the Circuit Court of Houston County shall serve as the Clerk and Register, respectively, of the Court herein established; and the Clerk may appoint a Chief Deputy Clerk which shall be in addition to the Chief Deputy Clerk of the Circuit Court (and not the same person) who shall have all the power and authority that is herein given to the Clerk. The Judge shall appoint a Clerk and may appoint a Deputy Clerk of the Juvenile Division who shall also act as secretaries to the Judge. In addition to all bonds required of them, the Clerk shall make bond in the sum of \$10,000.00; the Register \$2,000.00 and the Clerk and Deputy Clerk of the Juvenile Division \$2,000.00. The Clerk of the Juvenile Division shall be paid a monthly salary of not less than \$525.00 nor more than \$650.00 and until the \$650.00 per month is paid, such monthly compensation may be raised by the Judge no more than one time each year and in an amount not to exceed 10 per cent of the monthly compensation. The Deputy Clerk of the Juvenile Division shall have all the power and authority that is herein given to the Clerk of the Juvenile Division. Such Deputy Clerk shall be paid a monthly salary of not less than \$425.00, which shall be raised in the same manner as the salaries of other county clerical employees. In addition to their regular compensation, the Clerk and Register each shall receive for such additional services the sum of \$4800.00 annually, which sum shall be payable in equal monthly installments. All salaries referred to in this Section 12 (a) shall be paid from the general fund of the county. Each shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the Court's business. Each shall keep a seal which shall be the official seal adopted by the Court."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a Law.

STATE OF ALABAMA HOUSTON COUNTY

Before me, the undersigned authority in and for said County in said State, this day, personally appeared Wallace Miller, who is known to me and who, being by me first duly sworn, deposes and says: That he is Advertising Director of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for 4 successive weeks, on the following dates: 7-24, 31; 8-7, 12 in The Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published, and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where it is published for more than fifty-two (52) consecutive weeks prior to this publication.

WALLACE MILLER.

Sworn to and subscribed before me on this 23rd day of August, 1973.

FRANKIE L. LAMB,
Notary Public.

Also:

By Messrs. Carnes, Wynot and Waldrop:

H. 2273. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; providing for no mandatory fees of any kind to be collected from children attending any school under the supervision or control of any county or city board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 2279, 2278, 2277, 2282, 2284, 2286 and 2273. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 109. To enact the Alabama Insurance Holding Company System Regulatory Act relating to insurance; to provide for the regulation of insurance holding company systems; to define the term "insurance holding company system" and certain other terms; to provide for and regulate the acquisition of subsidiaries of insurers; to regulate the acquisition of control of or merger with domestic insurers; to provide for the filing of certain information with the Commissioner of Insurance; to prescribe grounds for approval of mergers and acquisitions; to provide for notice and hearing; to provide for exemptions; to provide for registration of insurers and to prescribe information to be filed; to provide for amendments to registration statements; to provide for exemptions and disclaimers; to provide standards for material transactions between insurers and their affiliates; to regulate extraordinary dividends and distributions; to provide for examination by the Commissioner of Insurance with the respect to the verification of information required to be filed; to provide confidential treatment for information filed pursuant to the provisions of the Act; to empower the Commissioner of Insurance to issue rules, regulations, and orders to carry out and administer the provisions of the Act; to authorize the Commissioner of Insurance to enjoin violations of the Act; to prohibit voting of equity securities acquired in violation of the Act; to provide for the sequestration of securities acquired contrary to the provisions of the Act; to provide criminal penalties; to provide for receivership, revocation or suspension of license for violation of the Act; to provide for judicial review; to supersede conflicting laws; to provide for separability of provisions; and to provide an effective date.

Also:

S. 611. To Repeal Section 17 of Act No. 1594, Regular Session 1971, thereby applying the provisions of this act to counties with populations of 600,000 inhabitants or more.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bills:

H. 388. To provide for the exemption from ad valorem taxation of the home of any person who is totally disabled or who is sixty-five years of age or older and who had an adjusted gross income of less than five thousand dollars for income tax purposes for the last preceding year.

Also:

H. 1005. To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and the office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard.

Also:

H. 286. To provide subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

Also:

H. 1909. Pertaining to Madison County, to consolidate the offices of Register in Chancery of the 23rd Judicial Circuit, the office of County Court Clerk or its successor and the Clerk of the Circuit Court, 23rd Judicial Circuit; to provide that the Clerk of the said Circuit Court henceforth perform duties and functions of the said Register and County Court Clerk; to provide the compensation of the Circuit Clerk and to otherwise provide for the office of Clerk of the Circuit Court, 23rd Judicial Circuit of Alabama; to create the office of Court Administrator; to provide the compensation and duties of said office and to otherwise provide for said office.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Therrell and Wood:

H. 2235. To authorize and make provisions for the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any

such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session) as amended that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to

provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

Also:

By Messrs. Collins and Therrell:

H. 2236. To provide that the provisions of Act No. 403, H. 330, of the Regular Session of 1971 (Acts 1971, p. 689) which provides for the registration and licensing of barbers, barber apprentices and barber colleges, shall not apply in any counties in this state having populations of not less than 300,000 and not more than 600,000 according to the most recent federal decennial census.

Also:

By Messrs. Smith (P) and McCluskey:

H. 2114. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

After completion of publication hereof, as required by the Constitution and laws of the State of Alabama, the following local act will be introduced for passage in the Legislature of Alabama:

AN ACT

To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama, be, and the same are hereby, extended altered and rearranged so as to include within the corporate limits of said Town all of the following described territory: All of the East Half ($E\frac{1}{2}$) the East Half of East Half of West Half ($E\frac{1}{2}$ of $E\frac{1}{2}$ of $W\frac{1}{2}$), the South Three-Fourths of the West Half of Southeast Quarter of Southwest Quarter ($S\frac{3}{4}$ of $W\frac{1}{2}$ of $SE\frac{1}{4}$ of $SW\frac{1}{4}$), and the South Three Fourths of the Southwest Quarter of Southwest Quarter ($S\frac{3}{4}$ of $SW\frac{1}{4}$ of $SW\frac{1}{4}$), of Section 21: the West Half ($W\frac{1}{2}$) of Section 22: All of Section 25: All of Section 26: All of Section 27: All of Section 28: All of Section 34: $N\frac{1}{4}$ of Section 35: $N\frac{1}{4}$ of Section 36: All of Section 33: and the portion of the Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4}$ of $SE\frac{1}{4}$), and fraction "A" of Section 32 that are Easterly of the Westerly right-of-way line of the old Talladega-Lincoln Highway (1928-38) and Northerly of U. S. Interstate 20 Highway right-of-way and all portion of Section 32 that is South of I-20, All of Section 31, portion of ($S\frac{1}{2}$) of Section 30, that is South of the Southern Railways right-of-way, All in Township 16 South, Range 5 East, Talladega County, Alabama. Also the North Half, the North Half of the Southwest Quarter and the South One Quarter, ($N\frac{1}{2}$ $N\frac{1}{2}$ of $SW\frac{1}{4}$ and $S\frac{1}{4}$) of Section 4, All of Section 5, the North Half ($N\frac{1}{2}$) of Section 6, the portion of Section 8 that is

Northwardly of Choccolocco Creek and the South $\frac{3}{4}$ of Section 9, All in Township 17 South, Range 5 East, Talladega County, Alabama. Also the ($N\frac{1}{4}$) of Section 1, Township 17 South, Range 4 East, Talladega County, Alabama. Also portion of Sections 25, 26, 27, and 35 Southwardly and Eastwardly of the Coosa River and all of Section 36 all in Township 16 South, Range 4 East, Talladega County, Alabama.

Section 2. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 3. This Act shall be effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

**STATE OF ALABAMA
TALLADEGA COUNTY**

Personally appeared before me, a Notary Public in and for said County, Lena Robinson, who being duly sworn according to law, deposes and says that he is the Clerk of the Daily Home a newspaper published in said County, and that the publication of a certain notice, a true copy of which is hereto affixed, has been made in said newspaper for 4 weeks consecutively, to-wit, in the issues hereof dated as follows: July 23, July 30, August 6, August 13, 1973.

LENA ROBINSON.

Subscribed and sworn to before me this 13th day of August, 1973.

ZELL S. COPELAND,
Notary Public.

Also:

By Mr. Parker:

H. 1923. Proposing an amendment to the Constitution of Alabama authorizing the levy and collection of a special property tax and the issuance and sale of bonds by Tuscaloosa County, the proceeds of which shall be used for the development of parks and multi-recreation areas, and other recreational purposes.

With notice and proof thereto attached and herewith exhibited as follows:

**STATE OF ALABAMA
COUNTY OF TUSCALOOSA**

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

SYNOPSIS:

This bill proposes a constitutional amendment relative to the authorization for the levy and collection of a special property tax and for the issuance and sale of bonds by Tuscaloosa County, the proceeds of which shall be used for the development of parks and multi-recreation areas and other recreational purposes.

**A BILL
TO BE ENTITLED
AN ACT**

Proposing an amendment to the Constitution of Alabama authorizing the levy and collection of a special property tax and the issuance and sale of bonds by Tuscaloosa County, the proceeds of which shall be

used for the development of parks and multi-recreation areas, and other recreational purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the constitution is proposed and shall become valid as a part thereof when approved by the qualified electors and proclaimed by the Governor as prescribed by law:

PROPOSED AMENDMENT

"The county commission or like governing body of Tuscaloosa County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding 10 mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for developing parks and multi-recreation areas and facilities, and for other recreational purposes; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Such governing body may also become indebted, and in evidence of such indebtedness issue and sell interest bearing bonds in an amount not to exceed \$20,000,000.00 in principal amount, provided that before the issuance of such bonds the question of whether such bonds shall be issued shall have first been submitted to and approved by the qualified electors of Tuscaloosa County at an election. Both the question of levying the tax and the issuing and selling of bonds may be submitted at the same election; or either question may be submitted at a separate election. Either the tax may be levied but no bonds issued, or bonds may be issued and no tax levied hereunder, if other funds are available for the payment of the bonds. The proceeds from taxes levied under authority of this amendment and of all bonds issued hereunder shall be used for developing parks and multi-recreation areas and facilities and for other recreational purposes and all or any part thereof may be appropriated to any county park and recreation authority duly organized and existing pursuant to law in such county and by such authority used for the above-named purposes. The elections provided for herein shall be called, held, conducted and canvassed, and may be contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of county bond elections, and if the levy of the tax or the issuance of said bonds shall be authorized at any such elections, the tax may be levied and bonds may be sold and issued from time to time in the manner provided by law for the authorization and sale of county bonds. In the event the voters of Tuscaloosa County do not authorize the levy of the tax or the issuance and sale of said bonds at any election called hereunder then other elections may be called by the governing body of Tuscaloosa County from time to time until the voters of Tuscaloosa County do authorize the levy of the tax or the issuance and sale of said bonds; provided that no two elections shall be held within one year of each other. The indebtedness herein authorized shall be in addition to all other indebtedness authorized prior to the adoption of this amendment."

Section 2. An election upon the proposed amendment is ordered to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the Legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed amendment

shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the State. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor-publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 13, July 20, July 27, and August 3, all in the year 1973.

KARL ELEBASH, JR.

Sworn to and subscribed before me August 3, 1973.

LaJUNE BURNETT,
Notary Public.

Also:

By Mr. Parker:

H. 1924. To require the county commission or like governing body of Tuscaloosa County to call an election to determine the sentiment of the voters of the county: (1) relative to levying additional ad valorem tax for developing parks and multi-recreation areas or facilities, as authorized by the amendment to the Constitution of 1901 proposed by an Act of the 1973 Regular Session, and (2) relative to the incurring of a debt and the issuance of bonds as authorized in such amendment.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL TO BE ENTITLED AN ACT

To require the county commission or like governing body of Tuscaloosa County to call an election to determine the sentiment of the voters of the county: (1) relative to levying additional ad valorem tax for developing parks and multi-recreation areas or facilities, as authorized by the amendment to the Constitution of 1901 proposed by an Act of the 1973 Regular Session, and (2) relative to the incurring of a debt and the issuance of bonds as authorized in such amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. The county commission or like governing body of Tuscaloosa County shall order an election to be held in such county within

one year from the effective date of this Act for the purpose of determining whether or not a special tax shall be levied in such county for the development of parks and multi-recreation areas and facilities in such county and also for the purpose of determining whether or not money shall be borrowed, bonds shall be issued and the proceeds of the tax shall be pledged to the payment thereof for such purposes.

Section 2. Notice of the election shall be published in some newspaper within the county, which publication shall show the rate of the proposed tax, the time it is proposed to be continued and the purpose or purposes for which the levy is proposed to be made. This notice shall also state the principal amount of the bonds it is proposed to issue.

Section 3. The inspectors and officers of the election shall be appointed and the election shall be held and the result of the election shall be declared in the same manner and by the same officers as is the result of the regular election for county officers under the general laws of the state.

Section 4. All persons who are at the time of the election qualified electors in Tuscaloosa County shall be qualified electors to participate in the election.

Section 5. The county commission or like governing body of Tuscaloosa County shall provide a sufficient number of ballots or voting machines for each voting precinct within said county. Each ballot shall show the rate of the proposed tax, the time it is to be continued, and an itemization of the purpose or purposes for which the tax is levied, and shall provide for a vote "for the proposed taxation," and a place for a vote "against proposed taxation." The ballot shall also contain the question. "Do you favor the issuance of bonds for the above-mentioned purposes in the principal amount of dollars?" It shall also contain a place for a vote for and a vote against such bond issue.

Section 6. The officers, including the sheriff, shall perform the same duties, and receive the same pay as provided for under the general election laws aforesaid, and all costs and fees of said election shall be paid out of the county treasury of Tuscaloosa County.

Section 7. If a majority of the qualified electors voting at such election vote for the proposed taxation and for the proposed bond issue, the county commission or like governing body of Tuscaloosa County shall levy said special tax and cause the tax assessor to assess the same on the taxable property in Tuscaloosa County, and shall provide for the issuance and sale of such bonds in the manner prescribed by law for the issuance and sale of other county bonds.

Section 8. The tax collector of Tuscaloosa County shall collect such special tax in the same manner and under the same requirements and laws as taxes of the state are collected, and shall keep said amount separate and apart from all other funds and keep a clear and distinct account thereof. The county governing body may turn the proceeds of such tax over to any park and recreation authority heretofore established and existing pursuant to general law in Tuscaloosa County to be used for the purposes for which the tax was levied.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 11. The provisions of this Act shall become effective upon the ratification of an amendment to the Constitution of Alabama of 1901, proposed by an Act of the 1973 Regular Session, authorizing a special ad valorem tax and the issuance of bonds for park and recreational purposes in Tuscaloosa County.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF TUSCALOOSA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Karl Elebash, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor-publisher of the Graphic, a newspaper of general circulation published in Tuscaloosa County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 13, July 20, July 27, and August 3, all in the year 1973.

KARL ELEBASH, JR.

Sworn to and subscribed before me August 3, 1973.

LaJUNE BURNETT,
Notary Public.

Also:

By Mr. Turnham:

H. 2275. Relating to counties having populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census, providing an additional expense allowance for members of the county board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 2235, 2236, 2114, 1923, 1924 and 2275. To the Committee on Local Legislation No. 1.

(The above Bill, H. B. 1923, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Stokes:

H. 1832. To amend Section 2 of Act No. 167, H. 231, Regular Session 1955 (Acts 1955, p. 431), which provides for the composition of the Supervisory Committee of the Mobile County Personnel Board, so as to further provide for such composition.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 of Act No. 167, H. 231, Regular Session 1955 (Acts 1955, p. 431), which provides for the County Personnel Board, so as to further provide for such composition.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 167, H. 231, Regular Session 1955 (Acts 1955, p. 431), is amended to read as follows:

"Section 2. The Supervisory Committee of the Mobile County Personnel Board shall be composed of each of the three commissions of the City of Mobile, the Mayor of the City of Prichard, and the President of the Mobile County Commission who shall serve on such committee during the term of their respective offices. Such committee shall also include: One member to be elected by the city commissioners of the City of Mobile who shall hold office for a term of two years beginning on the date this Act becomes effective and until his successor is appointed and has qualified, and his successors shall hold office for terms of six years, the first of which shall begin two years after the passage of this Act and the subsequent terms shall begin each six years thereafter; one member to be elected by the municipalities in Mobile County outside the city limits of the City of Mobile who shall hold office for a term of four years beginning on the date this Act becomes effective and until his successor is appointed and has qualified, and his successors shall hold office for terms of six years, the first of which shall begin four years after the passage of this Act and the subsequent terms shall begin each six years thereafter; and one circuit judge of the thirteenth judicial circuit to be elected by the circuit judges of the thirteenth judicial circuit who shall hold office for a term of six years beginning on the date this Act becomes effective in said county and until his successor has been appointed and has qualified, and his successors shall hold office for terms of six years, the first of which shall begin six years after the passage of this Act and the subsequent term shall begin each six years thereafter. Provided, however, that such member elected from among the circuit judges of the thirteenth judicial circuit shall serve on such committee only so long as he is serving as a circuit judge of the thirteenth judicial circuit.

"Any vacancy occurring on such committee among any of the members elected by the commissioners of the City of Mobile, the municipalities in Mobile County outside the city limits of the City of Mobile, the merit system employees' association of Mobile County, or the circuit judges of the thirteenth judicial circuit shall be filled by an election held by the respective electing body with the authority to elect the member of the board where such vacancy has occurred; such election to be held within 30 days after the occurrence of such vacancy."

Section 2. Each body authorized to elect a member of such committee shall, within 30 days after the effective date of this Act, cause an election to be conducted to elect such committee member.

Section 3. The committee created under the provisions of this act shall take office 30 days after the effective date of this act.

Section 4. All laws and parts of laws in conflict with the provisions of this Act shall be and the same are hereby repealed.

Section 5. This Act shall take effect immediately upon its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law.

Judy Beasley being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register June 22, 29, July 6, 13, 1973.

JUDY BEASLEY.

Sworn to and subscribed before me this 16th day of July 1973.

E. E. KOCH,
Notary Public.

Also:

By Mr. Casey:

H. 2130. Relating to Cleburne County; providing for the construction, maintenance and repair of public roads, highways and bridges under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads and bridges of Cleburne County.

With notice and proof thereto attached and herewith exhibited as follows:

STATE OF ALABAMA
COUNTY OF CLEBURNE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Relating to Cleburne County; providing for the construction, maintenance and repair of public roads, highways and bridges under the county unit system; authorizing the requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; defining his authority, powers and duties and those of the county governing body in relation to the roads and bridges of Cleburne County.

Be It Enacted by the Legislature of Alabama:

Section 1. The Cleburne County Commission, or any succeeding county governing body performing the functions of the county governing body in said county, shall employ a county engineer, who shall be a thoroughly qualified and competent civil engineer, possessing all of the qualifications as specified for county engineers under the general laws of the State of Alabama; and he shall devote his entire time

and attention to the maintenance and construction of the Cleburne County public roads, highway and bridges, and shall, during his employment, reside in Cleburne County, Alabama.

Section 2. Said county engineer shall be appointed by the county commission from a nomination made by the state highway director. If said nomination is not acceptable to said county commission, the state highway director shall be requested to make additional nominations. Should the state highway director refuse, or fail to make nominations, the county commission may fill the position of county engineer with any person who has the qualifications herein set out.

Section 3. It shall be the duty of the said engineer, (1) to employ, supervise and direct all such assistants as are necessary to properly maintain and construct the public roads, highways and bridges of Cleburne County, and he shall have authority to prescribe their duties, and to discharge said employees for cause, or when not needed; (2) to perform such engineering and surveying service as may be required, and to prepare and maintain the necessary maps and records; (3) to maintain the necessary accounting records to reflect the cost of the county highway system; (4) to build, or construct new roads, or change old roads, but only when ordered to do so by proper order of the county commission; (5) it shall be his further duty, in so far as is feasible, to construct and maintain all county roads on the basis of the county as a unit, without regard to any district or beat lines.

Section 4. The said county engineer is hereby designated as the person authorized to make written requisition upon the duly designated purchasing agency, for all articles, materials, supplies, and equipment necessary for the maintenance and construction of roads and bridges in Cleburne County.

Section 5. It shall be the duty of the county commission to fix, from time to time, in accordance with prevailing economic conditions, the various scales of wages or salaries to be paid for labor necessary in the maintenance and construction of said roads, highways and bridges, and said wage or salary scale shall not be exceeded by said engineer in the employment of labor and assistants.

Section 6. The county commission shall fix the amount of the salary of the said county engineer, payable in equal monthly installments from the Cleburne County treasury.

Section 7. The county commission shall furnish the county engineer with an office at the courthouse, or elsewhere, at the county seat, and all necessary office supplies, and shall furnish him with necessary transportation in connection with his duties under this Act.

Section 8. The county engineer shall be the custodian of all road tools, machinery, supplies and equipment of Cleburne County, and he shall be accountable for the same, at all times. The county commission shall furnish the necessary storage facilities in which to keep said tools, machinery, supplies and equipment, and the county engineer shall keep on files in his office, at all times, an up-to-date inventory, containing a list of all said tools, machinery, equipment and supplies belonging to Cleburne County.

Section 9. The authority of said county engineer shall be limited to the expenditure of such funds for the purpose of construction, maintenance or repairs of public roads and bridges of Cleburne County as may be set aside and appropriated by the county commission, as hereinafter provided; it shall be the duty of said county commission at some meeting in September of each calendar year, or not later than the first meeting in October following, by order or resolution

spread upon the minutes, to fix and determine the amount of funds which will be available for the purpose of building, maintaining and constructing public roads and bridges of Cleburne County for the current fiscal year, beginning on October 1st, which said amount, other than the salary of said county engineer and his necessary expenses, shall not be exceeded by him in building, maintaining and constructing public roads and bridges in Cleburne County during said period; provided however, that said county commission is authorized, from time to time within any such period, to increase the amount so allowed to be expended by said county engineer during said period, when such authorization will not conflict with provisions of the general law under the Budget Act, Title 12, Section 74, of the Code of Alabama 1940. Provided further, that if such funds are presently available, and have not heretofore been set aside by the present County Commission of Cleburne County, immediately upon the passage of this Act, it shall be the duty of the county commission herein created to set aside a sufficient portion of said funds for the maintenance of said road and bridges until the annual budget is approved for the incoming year in October.

Section 10. The county engineer shall make written requisition to the chairman of the county commission for all materials, machinery, equipment, and necessary supplies needed for the construction, maintenance or repairs of public roads and bridges of Cleburne County. Said requisitions shall be filed and presented by the chairman to the county commission at its next meeting, for the approval of the county commission. Provided, however, that the chairman shall have full power and authority to make said purchase without first obtaining the approval of the whole county commission if the delay caused by the hereinabove procedure, might, in his judgment, cause an unnecessary and harmful interruption in the operation of the county road system.

Section 11. It shall be the further duty of the county engineer to inspect all materials, machinery, equipment and supplies, purchased by Cleburne County Commission for use on public roads and bridges, when the same is delivered, and the same shall not be accepted and paid for without its first having been approved by him.

Section 12. In the event an emergency should arise, in which it would be impossible for the county commission to employ an engineer, as hereinabove provided for, then, in that event the county commission shall employ a competent road supervisor who need not be an engineer, but, when so employed, he shall have all the duties and authority of said engineer, and be subject to the provisions of this Act; but an emergency shall not exist so long as the state highway director can nominate an engineer who will accept employment by said county commission under the terms of this Act, it being the intention of this Act to provide that, when county roads are to be maintained or constructed in said county, the supervision thereof shall be either under a county engineer, as hereinabove provided for, or by a road supervisor, who is not a member of the county commission.

Section 13. It shall be the further duty of each associate member of the county commission to inspect the roads of his district from time to time, and hear the suggestions and complaints of the citizens, and report the same to the county commission with his recommendations; to advise with the county engineer concerning the problems of his district, particularly; and to assist in securing rights-of-ways, and assist in public relations generally.

Section 14. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 15. This act shall become effective within 90 days upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF CLEBURNE

Before me, the undersigned authority in and for said County in said State, this day personally appeared Ann Smith, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor and publisher of the Cleburne New Era, a newspaper of general circulation published in Cleburne County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Apr. 19, Apr. 26, May 3, and May 10, all in the year 1973.

ANN SMITH.

Sworn to and subscribed before me June 30, 1973.

JULIAN B. NORTON,
Notary Public.

Also:

By Mr. Casey:

H. 2199. To repeal Act No. 165, H. 130, Third Special Session of 1971, (Acts 1971, p. 4413) entitled, "Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; to provide for the payment of a clerk hire allowance in the Probate Judge's office of such counties."

Also:

By Mr. Lyons:

H. 2084. To amend Section 2 of an Act of the Legislature of Alabama approved Aug. 6, 1947, entitled "An Act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel," (Local Acts 1947 p. 172)

To increase the court costs to Two Dollars in proceedings in the Circuit Court of Mobile County, Alabama for the purposes of such Act.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To amend Section 2 of an Act of the Legislature of Alabama approved Aug. 6, 1947, entitled

"An Act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel,". (Local Acts 1947 p. 172)

To increase the court costs to Two Dollars in proceedings in the Circuit Court of Mobile County, Alabama for the purposes of such Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of an Act of the Legislature of Alabama approved Aug. 6, 1947, entitled "An Act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof, to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto; and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose and the payment of the salaries of such personnel," be and the same hereby is amended to read as follows:

"Section 2. In order to provide a special fund for the maintenance of said Library, there shall be taxed as costs the sum of Two Dollars (\$2.00) in each Civil or Quasi Civil Action at Law, Suit in Equity, Criminal Case, Quasi Criminal Case, proceedings on a Forfeited Bail Bond or proceeding on a Forfeited Bond given in connection with an appeal from a judgment or conviction in any Inferior or Municipal Court of the Circuit Court hereinafter filed in, arising in, or brought by appeal, certiorari or otherwise to the Circuit Court of Mobile County, Alabama, which costs shall be collected as other costs in such cases are collected by the Clerk of said Court or the Register in Chancery thereof, as the case may be, and shall be paid to the Treasurer of Mobile County, Alabama."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Judy Beasley being sworn, says that she is Bookkeeper of The Mobile Press and The Mobile Register, daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of The Mobile Register July 18, 25, Aug. 1, 8, 1973.

JUDY BEASLEY.

Sworn to and subscribed before me this 13th day of Aug. 1973.

E. E. KOCH,
Notary Public.

Also:

By Mr. Perloff:

H. 2229. To amend further Section 9 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, P. 326), as amended, which fixes the membership of the Board of Policemen's and Fire Fighters' Pensions of the City of Mobile, so as to provide for election of certain members of such board, to amend Sections 14 and 15 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, P. 326), as amended which provide for the retirement of members or former members of the Mobile Police and Fire Departments, so as to provide that except in the case of a merit raise, no member's salary shall be raised within six (6) months before retirement.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE
A BILL
TO BE ENTITLED
AN ACT

To amend further Section 9 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, P. 326), as amended, which fixes the membership of the Board of Policemen's and Fire Fighters' Pensions of the City of Mobile, so as to provide for election of certain members of such board, to amend Sections 14 and 15 of Act N. 243, H. 278, First Special Session 1964 (Acts 1964, P. 326), as amended which provide for the retirement of members or former members of the Mobile Police and Fire Departments, so as to provide that except in the case of a merit raise, no member's salary shall be raised within six (6) months before retirement.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, P. 326), as amended, is further amended to read as follows:

"Section 9. (a) The board, created by the Board of Commissioners or other governing body of the City of Mobile to carry out the provisions of this Act, hereinafter referred to as 'the board' shall be designated 'The Board of Policemen's and Fire Fighters' Pensions of the City of Mobile.' The Board shall consist of five reputable persons who are bona fide residents of the City of Mobile, over the age of twenty-one, who do not hold any salaried office with the City or County of Mobile; one active member of the Mobile Police Department, to be elected by the active members of the Mobile Police Department who hold membership in the Mobile Police and Firefighters Pension and Retirement Fund, and one active member of the Mobile Fire Department, to be elected by the active members of the Mobile Fire Department who hold membership in such fund shall also serve as members of the Board; such elections shall be by secret ballot under the supervision of the City Clerk, City of Mobile. Members of the Board shall hold office for terms of six years and until their successors are either appointed or elected as the case may be; however, any member may be removed at any time for good cause by the said Board of Commissioners or other governing body of the City of Mobile. No member of the Board shall receive any compensation for serving as a member thereof.

"(b) The Board shall organize by the election of a Chairman and Vice-Chairman and shall meet not less than once each month and at such other time as may be considered necessary upon call of the Chairman. Five members of the Board shall constitute a quorum for transaction of business.

"(c) Separate and adequate records shall be kept by the Board of all of its meetings and proceedings, which records shall be public and shall be subject to inspection on order of the governing body of the City of Mobile at any time.

"(d) The Board of Commissioners or like governing body of the City of Mobile shall appoint, subject to the merit system of the City, and pay from the General Fund of the City the salary of a Secretary of the Board of Pensions, who shall be responsible for records required in this section and Section 22 hereof and shall perform such other duties as may be prescribed by the Board.

"(e) The Board of Pensions as a group or the individual members thereof shall provide bond in such overall amount or such individual amounts as the Board in its sole discretion shall deem adequate, but which in the aggregate shall total no less than \$150,000, conditioned upon faithful performance of its, or their duties; the premium of such bond or bonds, to be paid by the City of Mobile from the General Fund.

"(f) All applications for pensions and relief under this Act shall be heard the determined by the Board of Pensions.

"(g) Vacancies on the Board for any cause shall be filled by appointment of the governing body of the City of Mobile for the unexpired term; except that any vacancy caused by the death, retirement, resignation, incapacity, or removal of a Board Member elected from the membership of either the Mobile Police Department or Mobile Fire Department shall be filled by a special election participated in by the active members of the department affected by such vacancy, who hold membership in the Mobile Police and Firefighters Pension and Relief Fund. Voting shall be conducted by secret ballot under the supervision of the City Clerk, City of Mobile.

Section 2. Section 14 of Act No. 243 H. 278, First Special Session 1964 (Acts 1964, P. 326), is amended to read as follows:

"Section 14. (a) Any member or former member of the police or fire department who has been in the service thereof for as long as twenty consecutive years, upon making written application to the Board of Pensions therefor, shall, without medical examination or disability, be retired from service in such police or fire department; and, upon such retirement, the said Board of Pensions shall direct the payment to such retired member monthly from the Fund herein created a sum equal to fifty per cent of the monthly compensation or salary received by such member as salary in such fire or police department at the time of his retirement; provided, however, that said payments to said retired member of the police or fire department shall not commence or be effective earlier than the fifty-fifth birthday of the member.

"(b) Any member or former member of such police or fire department who has been in the service thereof for as long as twenty-five years, the last ten years of which have been continuous, upon making written application to the Board of Pensions shall, without medical examination or disability, be retired from service of such fire or police department, and upon such retirement, the said Board shall direct the payment of such retiring member, commencing not

earlier than the fifty-fifth birthday of such member, monthly from such Fund, a sum equal to fifty-two and one-half per cent of the monthly compensation received by such member as salary in such police or fire department at the time of his retirement.

“(c) Any member or former member of such police or fire department who has been in the service thereof for as long as thirty years, the last ten years of which have been continuous, upon making written application to the Board of Pensions therefor, shall without medical examination or disability, be retired from service of such police or fire department, and upon such retirement, the said Board shall direct the payment to such retiring member, commencing not earlier than the fifty-fifth birthday of such member, monthly from such Fund, a sum equal to fifty-five per cent of the monthly compensation received by such member as salary in such police or fire department at the time of his retirement.

“(d) Any member or former member of such police or fire department who has been in the service thereof for as long as thirty-five years or longer, the last ten years of which have been continuous, upon making written application to the Board of Pensions thereof shall, without medical examination or disability, be retired from service of such police or fire department, and upon such retirement, the said Board shall direct the payment to such retiring member, commencing not earlier than the fifty-fifth birthday of such member, monthly from such Fund, a sum equal to sixty per cent of the monthly compensation received by such member as salary in such police or fire department at the time of his retirement.”

Section 3. Section 15 of Act No. 243 H. 278, First Special Session 1964 (Acts 1964, P. 326, is amended to read as follows:

“Section 15. Except in case of a merit raise, no member’s salary shall be raised or increased within six (6) months before retirement, unless said increase would be effective for all members of the Fund; provided, however, that any member may be retired at the highest rank held during his tenure of service.”

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MOBILE

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. E. Koch, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Office Manager of the Mobile Press Register, a newspaper of general circulation published in Mobile County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 25, Aug. 1, Aug. 8, and Aug. 15, all in the year 1973.

E. E. KOCH.

Sworn to and subscribed before me August 17, 1973.

GARY L. RICHARDSON,
Notary Public.

Also:

By Mr. Waggoner:

H. 2274. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Vestavia Hills, Jefferson County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGALS

A BILL TO BE ENTITLED AN ACT

To add to the land limits of the City of Vestavia Hills in Jefferson County, Alabama, by removing certain area now part of Jefferson County, Alabama, and adding same to the land limits of the City of Vestavia Hills, and to describe the area so removed from Jefferson County, Alabama, and so added to the City of Vestavia Hills.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Vestavia Hills in Jefferson County, Alabama, are altered, rearranged and extended to include within the corporate limits of said City the parcel of land hereinafter described, and the boundaries of Jefferson County, Alabama, are altered and rearranged to exclude from said County's jurisdiction and control the said parcel described as follows:

A portion of property embraced in a Survey of Waldrige Terrace, situated in Sections 30 and 31, Township 18 South, Range 2 West, Jefferson County, Alabama, as recorded in Map Book 14, Page 33, in the Office of the Judge of Probate of Jefferson County, Alabama, and being more particularly described as follows:

PARCEL 1: Begin at the NW corner of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, Township 18 South, Range 2 West, and run in an easterly direction along the northerly line of said SW $\frac{1}{4}$ or SW $\frac{1}{4}$ to the NE corner of Lot 26, in Block 3, according to said Survey of Waldrige Terrace; thence in a southerly direction along the westerly line of Lots 26, 25, 24, 23, 22, 21, 20, 19, 18, 17, 16, in said Block 3, to the SW corner of said Lot 16, thence in an easterly direction along the southerly line of said Lot 16 and the prolongation thereof to the SW corner of Lot 4, in Block 5, of said survey; thence in a southerly direction along the westerly line of Lots 5 and 6, in said Block 5, to the SW corner of said Lot 6; thence in an easterly direction along the northerly line of Merryvale Road (formerly Washington Avenue) to the Old Montgomery Highway, in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said Section 30; thence in a southwesterly and southeasterly direction along the Old Montgomery Highway to the intersection of said Old Montgomery Highway and Rose Avenue, in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31, Township 18 South, Range 2 West; thence in a southwesterly direction along the southeasterly line of Lot 11, in Block 13, of said survey, to the SW corner of said Lot 11; thence in a northwesterly direction along the southwesterly line of lots 11, 10, 9, 8, 7, 6, 5, and 4, in said Block 13, to Malibu Place (formerly Pine Street); thence in a northerly direction along Malibu Place to the SE corner of Lot 20, in Block 11, of said survey; thence in a westerly direction along the southerly line of said Lot 20 to the SW corner of same; thence in a northerly direction along the easterly line of Lots 20, 21, 22, 23, and 24, in said Block 11, to Pearl Avenue; thence in a westerly direction along Pearl Avenue to the westerly line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 31, Township 18

South, Range 2 West; thence in a northerly direction along the westerly line of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of said Section 31 and the westerly line of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, Township 18 South, Range 2 West, to the SW corner of Lot 4, in Block 9, of said survey; thence in an easterly direction along the southerly line of Lot 4, in said Block 9, and the southerly line of Lot 4, in Block 8, of said survey, to the SE corner of Lot 4, in said Block 8; thence in a northerly direction along the easterly line of Lots 4, 3, 2 and 1, in said Block 8, to Merryvale Road; thence in an easterly direction along Merryvale Road to the SE corner of Lot 14, in Block 2, of said survey; thence in a northerly direction along the easterly line of Lots 14, 15, 16, in said Block 2, to the NE corner of said Lot 16; thence in a westerly direction along the northerly line of said Lot 16 to the NW corner of same; thence in a northerly direction along the easterly line of Lots 10, 9, 8, 7, 6, 5, 4 and 3, in Block 2, of said survey, to the NE corner of said Lot 3; thence in a westerly direction along the Northerly line of said Lot 3 to Post Oak Road (formerly Walnut Street); thence in a southerly direction along Post Oak Road to the SE corner of Lot 8 in Block 1, of said survey; thence in a westerly direction along the southerly line of said Lot 8 to the westerly line of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, Township 18 South, Range 2 West; thence in a northerly direction along the westerly line of said SW $\frac{1}{4}$ or SW $\frac{1}{4}$ to the point of beginning.

PARCEL 2: A portion of Block 4, according to a Survey of Waldrige Terrace, lying in the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 30, Township 18 South, Range 2 West, Jefferson County, Alabama, as recorded in Map Book 14, Page 33, in the Office of the Judge of Probate of Jefferson County, Alabama, and being more particularly described as follows:

Begin at a point on the northerly line of Lot 13, in Block 4, according to said survey, said point being 105 feet west of the Old Montgomery Highway; thence run in a southerly direction along a line 105 feet from and parallel to the Old Montgomery Highway a distance of 390 feet to a point on Lot 7, in Block 4, of said survey; thence in an easterly direction to said Old Montgomery Highway; thence in a northerly direction along said Old Montgomery Highway to the northerly line of Lot 13, in said Block 4; thence in a westerly direction along the northerly line of said Lot 13 to the point of beginning.

Section 2. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

STATE OF ALABAMA
COUNTY OF JEFFERSON

On this 3rd day of August A. D. one-thousand nine hundred and 73 personally appeared before me, a Notary Public in and for the County and State aforesaid Arthur P. Cook who being duly sworn according to law, declares that he is President of Sun Papers Inc. a newspaper published in the City of Homewood, in the County of Jefferson, State of Alabama, and that the advertisement, a true copy of which is herewith attached, will appear in The Shades Valley Sun on the following dates: August 1, 1973, August 8, 1973, August 15, 1973, August 22, 1973.

ARTHUR P. COOK.

Subscribed and sworn to before me this 3rd day of August A. D. 73.

CHARLES E. TRAN,
Notary Public.

Also:

By Messrs. Weeks, Wallace, Timmons, McNair, Boutwell, Erdreich, Adwell, Falkenburg, Hughes, McMillan, Meeks, Waggoner, Ellis and Doss:

H. 2141. To accord the elected officials of any city of the state having a population of two hundred fifty thousand or more, according to the last or subsequent federal census, the option to become members of the pension system established for employees of such city, their widows and children; to provide that the board of managers or trustees, or other board, or body, administering such pension system shall adopt rules and regulations according such elected officials the option to become members of such pension system, on the same terms and conditions, and with the same obligations and benefits, as apply to the employees of the city belonging to such system; and to provide that such board or body, administering such pension system, shall provide for rules stating the terms and conditions on which any such official becoming a member of such pension system can acquire credit in the system for service as an elected official of the city prior to his becoming a member of the system, which terms and conditions shall be the same as those provided for city employees to secure credit in the system for their city service prior to their becoming members of the pension system.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 1832, 2130, 2199, 2084 and 2229. To the Committee on Local Legislation No. 1.

H. B.'s 2274 and 2141. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Manley, Pruitt and Lang:

H. J. R. 245. MOURNING THE DEATH OF JUDGE EMMETT FRANKLIN.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 245, the title of which is set out in the foregoing Message from the House, was read and ordered to lay over on the Secretary's Desk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Kinsey:

H. J. R. 248. COMMENDING JOHN B. HADLEY FOR HIS CONTRIBUTIONS AND DEDICATED SERVICE TO BALDWIN COUNTY.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 248, the title of which is set out in the foregoing Message from the House, was read and ordered to lay over on the Secretary's Desk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Weeks and Bowers:

H. J. R. 244. MOURNING THE DEATH OF WILLIAM WHITT CARDWELL.

Also:

By Mr. Turnham:

H. J. R. 246. COMMENDING PROFESSOR GEORGE W. HARGREAVES.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolutions, H. J. R.'s 244 and 246, the titles of which are set out in the foregoing Message from the House, were read and ordered to lay over on the Secretary's Desk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following Bill:

By Messrs. Hill and Stokes:

H. 1007. To authorize and regulate collection agencies, to define collection agencies, to prescribe the duties thereof, to describe the duties of the Attorney General in the connection therewith, to fix bonds for the operation thereof, and to set methods of operating in Alabama.

And sends same herewith to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 1007. To the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hill, Flipppo, Cross, Drake, Chesnut, Reynolds, Goodwin, Carter, Benton, Lang, Kinsey, Gray (F), Edwards, Grey (D), Reid (R), Waldrop, O'Daniel, Barkett, Fite, Casey and St. John:

H. 840. To provide that county highway employees of any county of the State who are members of the State Employees' Retirement System as a result of the responsibility for the construction, repair or maintenance of all county roads or bridges within such county being assumed by the State Highway Department or any other agency of the State, shall, at the employee's option, be entitled to receive credit for service with such county in such capacity rendered prior to becoming a member of the Employees' Retirement System provided such county highway employee pays into such Retirement System the required amount of contributions and interest for such period of service with the county and provided that such county highway employee pays into the retirement system the employer's amount of contribution and interest, unless the county elects to pay this amount; to provide that the Board of Control of the Employee's Retirement System shall adopt rules and regulations and shall fix and determine the accredited service and the amount to be contributed to the Retirement System by such employee and the county where he served; to provide that after the effective date of this act any such county highway employees who become members of the Employees' Retirement System shall be entitled to the provisions of this act.

Also:

By Messrs. Collins, Waggoner, Callahan, and Lyons:

H. 375. To make an appropriation from the state treasury for the relief of Harry V. Schmidt.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 840. To the Committee on Commerce, Transportation and Common Carriers.

H. B. 375. To the Committee on Seaports.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Jackson, Coshatt, Crowe, Gafford, Owens, Lang, Hardin, Agee, Collins, Headley, Williams, Wise, Connell, Turner, Bassett, Kinsey, McCorquodale, Wood, Callahan, Cottingham, Edwards, Easters, Stubbs, Grey (D), Reid (R), Waldrop, Merrill, Burgess, Wynot, Stewart, Benton and Boles:

H. 1539. To create within the State Department of Education a division to be known as the Junior College Division; to divert the responsibility for the coordination, management, and control of public junior colleges now vested in the higher education branch of the division of vocational education to a separate division for junior colleges; to establish a position of Junior College Division Director; and to set standards of qualifications for persons to be considered for the position of Director.

Also:

By Mr. Burgess:

H. 1186. To provide further for retirement of certain public employees; to authorize, provide for and regulate the awarding of prior service credit for part-time state employment to certain members of the state employees' retirement system; and to make an appropriation for the purpose of paying the employer's contribution toward retirement on the basis of such prior service credit.

Also:

By Messrs. Falkenburg, Doss, Weeks, McBride, Meeks, Waggoner, Boutwell, Wallace, Hughes, Timmons, Ellis, Adwell, McNair and Boles:

H. 1358. To name and designate a certain structure in the Alabama Heart Hospital at the Medical Center of the University of Alabama in Birmingham as the "Spain Tower."

Also:

By Messrs. Adams, Brassell, Snell and Taylor:

H. 1758. To further provide for supernumerary district attorneys.

Also:

By Messrs. Lutz, Grainger, King, Hearn and Hale:

H. 2266. To amend Title 61, Section 69, Code of Alabama 1940, as amended, so as to provide that a non-resident may be appointed executor of a decedent's estate upon the consent of all heirs at law, legatees, and claimants of record of such estate.

Also:

By Messrs. Roberts and Lyons:

H. 1075. To grant to any medical clinic board heretofore or hereafter organized under the provisions of Act No. 516 enacted at the 1955 Regular Session of the Legislature of Alabama, as amended, the power to borrow money for temporary use for any purpose or purposes for which bonds are authorized to be issued under said act and to issue interest-bearing bond anticipation notes in evidence of such temporary borrowing and the power (in connection with the issuance by it of bonds under the provisions of said Act No. 516) to use and apply such portion of the proceeds from the sale of such bonds as its Board of Directors deems advisable, but not exceeding 7½% of the principal amount thereof, for the purpose of creating a reserve or cushion for payment of the principal of and the interest on such bonds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 1539. To the Committee on Judiciary.

H. B.'s 1186 and 2266. To the Committee on Finance and Taxation.

H. B. 1358. To the Committee on Public Buildings and Grounds.

H. B. 1075. To the Committee on Health.

H. B. 1758. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Boles, Doss, Hughes, Ellis, Culver, McNair, Waggoner, McBride, Boutwell, Weeks, Drake and St. John:

H. 878. To amend Section 4 of Act No. 1260, S. 79, Regular Session 1971 (Acts 1971, p. 2175), which Act provides for water pollution control and establishes the Water Improvement Commission, so as to provide that the Warrior River from its source to Lock 17 of the U. S. Corps of Engineers shall be classified as fit for swimming, or an equal or higher classification, and be afforded the protection provided to such classification.

Also:

By Messrs. Grainger, Erdreich, Boles, Hearn, Culver, Hale, Smith (P), St. John, Wynot, Carnes, Boutwell, King, Lutz, Weeks and Mims:

H. 1414. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions, and industry, and to require counties and municipalities to provide for the collection and disposal of solid wastes and authorize them to charge a fee therefor, and to contract for such services to be performed by others and to permit the formation of districts for areas beyond corporate limits or co-operative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act and rules and regulations pursuant thereto in the interest of the public health, comfort and safety.

Also:

By Messrs. Barkett, Hardin and Lyons:

H. 1032. To amend Section 106 of Title 8, Code of Alabama 1940, as amended, pertaining to the penalty for killing domestic animals while hunting.

Also:

By Messrs. Meeks, Bowers, Adwell, Wallace, Dill and Waggoner:

H. 643. To exempt the Birmingham Children's Theatre, an Alabama Corporation, and the Alabama Society of the Daughters of the American Revolution from the payment of all state, county and municipal sales and use taxes.

Also:

By Mr. Carnes:

H. 15. To repeal Code of Alabama, Title 52, Section 437, which permits matriculation fees in high schools, as well as library, laboratory and shop work fees.

Also:

By Mr. Carnes:

H. 16. To amend Code of Alabama, Title 52, Section 142, so as to provide that no mandatory fees shall be collected from children attending any school under the supervision or control of any county or city board of education.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 878 and 1414. To the Committee on Health.

H. B. 1032. To the Committee on Conservation.

H. B. 643. To the Committee on Finance and Taxation.

H. B.'s 15 and 16. To the Committee on Education.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Casey, Taylor, Wood, Merrill, McCluskey, Perloff, Manley, Cauthen, Boutwell, Erdreich, Doss, Hill and Gray (F):

H. 422. To provide for the incorporation of Alabama Judicial Building Authority as a public corporation for the purpose of acquiring, financing and leasing facilities designed primarily for use by the appellate courts of the State of Alabama; to provide the procedure for incorporation; to designate the members, directors and officers of the Authority; to provide for the powers of the Authority; to authorize the Authority to acquire, construct, operate and finance facilities designed primarily for use by the appellate court of the State in the City of Montgomery, Alabama; to confer on the Authority the power of eminent domain; to provide for the issuance by the Authority for its corporate purposes of interest bearing bonds not exceeding \$9,500,000 in aggregate principal amount, payable solely out of the revenues of the facilities of the Authority; to provide that such bonds shall constitute negotiable instruments; to provide that bonds issued by the Authority shall not constitute or create a debt of the State; to provide for the refunding, by the issuance of bonds of the Authority, of bonds theretofore issued by it; to provide that bonds issued by the Authority may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper applications of its revenues and proceeds of such bonds, and by a non-foreclosable statutory mortgage lien on the facilities out of the revenues from which such bonds are payable; to provide for constructive notice of any such statutory

mortgage lien; to provide for the use of proceeds of any bonds issued by the Authority; to provide for the investment, pending the need therefor, of the proceeds from the sale of the bonds of the Authority and any other moneys of the Authority not presently needed; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to exempt the property and income of the Authority, and all bonds issued by it and the income therefrom and conveyances and leases to which the Authority is a party, from all taxation in the State, and to exempt the Authority from payment of certain charges to the judges of probate; to provide that any bonds of the Authority owned by a foreign corporation shall not constitute capital employed in the State for the purpose of determining liability for franchise and similar taxes; to provide that the State Treasurer shall be the treasurer of the Authority and the custodian of its funds; to authorize the conveyance to the Authority of land of the State located in the City of Montgomery; to authorize the lease by the Authority of its facilities to the State and to others; to authorize the lease by the State and its agencies of facilities from the Authority; to authorize the publication of notice of any resolution authorizing any bonds, pledges and covenants and to specify a limitation of time thereafter for actions or defenses respecting said bonds, pledges and covenants, and to provide for dissolution of the Authority and conveyance of its assets and properties to the State upon payment of said bonds; and to grant power and provide restrictions incidental to the performance of the foregoing.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate standing committee, as follows:

H. B. 422. To the Committee on Commerce, Transportation and Common Carriers.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Reid (R):

H. 2090. To alter, rearrange and extend the boundaries and corporate limits of the Town of County Line, Blount and Jefferson Counties, Alabama, so as to annex certain territory to the town.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE OF PROPOSED LEGISLATION

STATE OF ALABAMA COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the Town of County Line, Blount and Jefferson Counties, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1:

The boundaries and corporate limits of the Town of County Line, Blount and Jefferson Counties, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within such boundaries and corporate limits, to-wit:

The $S\frac{1}{2}$ of the $NE\frac{1}{4}$; the $NW\frac{1}{4}$ of $NE\frac{1}{4}$; the $S\frac{1}{2}$ of the $NW\frac{1}{4}$ all in Section 14; the $S\frac{1}{2}$ of the $NE\frac{1}{4}$ and the $W\frac{1}{2}$ of the $NE\frac{1}{4}$ of $NE\frac{1}{4}$ all in Section 15; the $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 9; the $S\frac{1}{4}$ of Section 10, and two acres in the northeast corner of the $NE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 10; the $S\frac{1}{2}$ of the $SW\frac{1}{4}$ of Section 11; the West 300 feet of the $NW\frac{1}{4}$ of $SW\frac{1}{4}$ of Section 11; all in Township 14 South, Range 2 West, situated and being in Blount and Jefferson Counties, Alabama.

Section 2:

This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Mrs. Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 17, May 24, May 31, and June 7, all in the year 1973.

MRS. R. M. HOWARD.

Sworn to and subscribed before me 7th day of June, 1973.

JANE HILL,
Notary Public.

Also:

By Mr. Williams:

H. 942. To create the position of people's public service attorney in the Public Service Commission and prescribes his qualifications, duties, powers, and salary.

Also:

By Messrs. Grainger, Smith (P), Waggoner, Lutz, Hobbie, Bank, St. John, McDonald, Drake, Barkett, Turnham, Stubbs, Adams, Snell, Smith (K), Headley, King, Culver, Hearn, Reid (R), Hill, Flipppo, Carter, Casey, Jackson and Hale:

H. 349. To provide that the boards of Alabama Institute for Deaf and Blind, Alabama Boys Industrial School, Alabama Girls Industrial School, and the Industrial School at Mt. Meigs shall grant personal leave to teachers.

Also:

By Mr. Fite:

H. 1674. To authorize and empower the State Commissioner of Revenue to enter into reciprocal agreements in regard to the withholding and payment of state income taxes by the personnel of interstate common carriers.

Also:

By Messrs. Robertson, Wallace, Bank, Parker, Culver, McCorquodale, Williams, Adams, Brassell, Agee, Ellis, Doss and Smith (K):

H. 1169. To create an Alabama Recreation Commission; to provide for the members of the Commission, their appointments, qualifications, and term of office; to provide for the powers and duties of the Commission; to provide for the powers and duties of the Executive Director; to define the terms used in this Act; and to appropriate funds.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B. 2090. To the Committee on Local Legislation No. 1.

H. B. 942. To the Committee on Judiciary.

H. B. 349. To the Committee on Education.

H. B.'s 1674 and 1169. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 756. To provide for the creation of a department of the state to be known as the Department of Youth Services; to prescribe the powers and duties of the said department; to provide for the creation of the Alabama Youth Services board; to provide for the selection of the members of the said board; to prescribe the powers and duties of the board; to provide for the appointment of a State Youth Services Director, and to prescribe the powers, duties, and qualifications of the said Director; to transfer control of the state training schools to the department; to provide court review of the decisions of the said board; to provide for reports to the Governor; to provide for the submission of an annual budget; to require competitive bidding; to

authorize medical, psychiatric, surgical, and dental care for the youth of the state; to provide for the treatment, education, and disposition of youth in the custody of the said department of the said board; and to prescribe penalties for the violation of this Act.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1693. Relating to counties having populations of not less than 75,000 nor more than 90,000; providing for payment of expense allowance and salary for the judges of the county courts of such counties.

Also:

H. 1791. Relating to the boards of education in counties having populations of not less than 14,000 nor more than 15,000, according to the most recent federal decennial census, providing an expense allowance for the superintendents of such boards, and providing daily compensation for members of such boards when such boards meet officially to transact business.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Casey, Bank and Grainger:

H. 1035. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients, prescribing the duties and responsibilities of all persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the procedures for voluntary admission, emergency admission, admission for evaluation, and for involuntary hospitalization and treatment; prescribing the quality of care and treat-

ment of patients; authorizing the Alabama Department of Mental Health to issue regulations enforcing the provisions of this Act; and repealing conflicting laws.

Also:

By Messrs. Bank, Falkenburg, Weeks and Culver:

H. 680. To provide that persons employed in county health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

Also:

By Mr. Turnham:

H. 1576. To permit the deduction by individual income tax payers, in computing net income for state income tax purposes, of payments made to a spouse for alimony or separate maintenance; to prescribe payments which shall be deductible by the payer and taxable to the recipient; to prescribe payments which shall not be deductible by the payer nor taxable to the recipient; to become effective for any taxpayer's tax year beginning on or after January 1, 1965.

Also:

By Messrs. Bank, Weeks, Falkenburg and Culver:

H. 673. To amend Act No. 582 of Regular Session, 1963, (Acts 1963, Pg. 1266), pertaining to ionizing radiation control by adding a prohibition of announcing inspections, by adding civil penalties, by adding criminal penalties, by adding the posting of bonds, by providing for the delegation of authority, by designating the Radiation Control Agency for the purposes of the Federal Occupational Safety and Health Act of 1970, P. L. 91-596, by establishing the Radiation Reclamation Fund and providing for appropriations therefrom.

Also:

By Messrs. Collins, Stubbs, Lyons, Therrell, Downing, Wood, Roberts, Callahan, Stokes and Nettles:

H. 944. To amend Sections 10 and 11 of Act No. 481, S. 152, Regular Session 1963 (Acts 1963, p. 1028), so as to make the executive director and employees of the USS ALABAMA Battleship Commission eligible for membership in the state health insurance plan and eligible for participation in the state employees' retirement system.

Also:

By Mr. Flipppo:

H. 807. To amend Sections 7 and 8 of Act No. 740, Regular Session 1969, which Act created the Alabama Securities Commission, in order to revise salaries of the Director and Deputy Director of said Commission.

Also:

By Mr. McBride:

H. 578. To further amend Section 12, Title 52, Code of Alabama 1940, as amended, which section relates to the meetings of members of the state board of education, so as to provide for monthly meetings by members of said board.

Also:

By Messrs. Lyons, Nettles, Therrell, Callahan, Roberts, Collins, Wood, Downing and Stokes:

H. 249. Relating to automobile license tags; authorizing the secretary of the USS Alabama Battleship Commission to use a special tag number.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committees, as follows:

H. B.'s 1035, 680 and 673. To the Committee on Health.

H. B. 1576. To the Committee on Finance and Taxation.

H. B. 944. To the Committee on Seaports.

H. B. 807. To the Committee on Commerce, Transportation and Common Carriers.

H. B. 578. To the Committee on Education.

H. B. 249. To the Committee on Public Buildings and Grounds.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Casey:

H. 1839. Relating to circuit courts; authorizing the employment of confidential assistants to provide secretarial and other services for circuit judges in the state; prescribing the method of appointment, duties and compensation of said confidential assistants; providing for the purchase of equipment, etc.; and appropriating funds from the state treasury for such compensation and purchases of equipment.

Also:

By Mr. Easters:

H. 716. Relating to state use taxes, further amending Code of Alabama 1940, Title 51, Section 787, as amended, so as to exclude, by definition, from the computation of the tax, certain costs of transportation charged by vendors who use their own transportation equipment for delivering tangible personal property sold by them, subject to certain conditions.

Also:

By Mr. Easters:

H. 717. Relating to state sales taxes, further amending Section 1 of Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, so as to exclude, by definition, from the computation of the tax, certain costs of transportation charged by vendors who use their own transportation equipment for delivering tangible personal property sold by them, subject to certain conditions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 1839, 716 and 717. To the Committee on Finance and Taxation.

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Pelham, further consideration of all Senate Bills remaining on the Calendar was indefinitely postponed by the Senate.

ADJOURNMENT

At 5 o'clock P. M., on motion of Mr. Pelham, in accordance with joint resolution heretofore adopted by the Senate, and pending further consideration of House Bills 610 and 1345, the Senate adjourned until Wednesday, September 5, 1973, at 8:30 A. M.

THIRTY-FIFTH LEGISLATIVE DAY

WEDNESDAY, SEPTEMBER 5, 1973

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Frank Martin, Minister, Evangel Temple, Montgomery, Alabama, and the Reverend Sherman Harper, Minister, Saks Baptist Church, Anniston, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Harris	Malone	Vacca
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder
Dozier	Jones	O'Bannon	Wilson

—35

JOURNAL

On motion of Mr. Pelham, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the

Senate for the Thirty-Fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman.

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Thirty-Fourth Legislative Day was approved by the Senate.

BILLS RE-REFERRED

Mr. Fine moved that the Bill, H. B. 942, be recalled from the Standing Committee on Judiciary and re-referred to the Standing Committee on Commerce, Transportation and Common Carriers, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 942, re-referred to the Standing Committee on Commerce, Transportation and Common Carriers.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 61. REPEALING S. R. 47.

Mr. Bailes moved that further consideration of the Resolution, S. R. 61, be postponed until the next legislative day as Unfinished Business.

Mr. Carr made a substitute motion that further consideration of the Resolution, S. R. 61, be postponed until the next legislative day.

On motion of Mr. Clark, the motion of Mr. Carr was laid on the table.

Yeas 22; Nays 11.

Yeas:

Messrs.:	Gilmore	Littleton	Register	
Branyon	Givhan	McLain	Shelby	
Clark	Harris	Noonan	Vacca	
Dominick	Hawkins	O'Bannon	Weaver	
Edington	King	Owen	Wilson	
Foshee	Lindsey	Pelham		—22

Nays:

Messrs.:	Carr	Horne	Melton	
Bailes	Dozier	Jones	Pierce	
Baker	Fine	Lybrand	Wilder	—11

Mr. Foshee made a substitute motion that further consideration of the Resolution, S. R. 61, be postponed temporarily, which motion was adopted.

BILL RETURNED TO HOUSE

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, moved that the Bill, H. B. 2169, be recalled from said

Committee and returned to the house of origin, which motion was adopted. Mr. Harris explained that said Bill, H. B. 2169, violates the provisions of Section 106 of the Constitution of 1901, which section requires that bills not be introduced on the same day as the last public advertisement.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor relative to House Bill Nos. 1273, 1258 and 1259.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 5th DAY OF SEPTEMBER, 1973.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I call to your attention a package of legislation now before you which deals with matters of urgent importance to the people of Alabama; namely, House Bill No. 1273, dealing with workmen's compensation; House Bill No. 1258, dealing with the Board of Appeals of the Department of Industrial Relations; and House Bill No. 1259, relating to unemployment compensation.

As you no doubt know, these bills are the result of extensive study and consideration and final agreement by management and organized labor. The enactment by you of these bills would result in substantial benefits accruing to the working people of our fine state. I know that you will not wish to adjourn sine die and return to your homes, businesses and occupations without favorably considering this package.

I further urge that you give deep and serious thought before any action on any amendments which could severely jeopardize the mutual support given these bills by labor and management alike and to concentrate and direct your efforts toward what is best for the vast majority of our average laboring people who would receive the benefits thereunder.

I, therefore, respectfully urge that you give immediate priority consideration to the passage of these worthwhile bills.

Respectfully,

GEORGE C. WALLACE,
Governor of Alabama.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

COMMUNICATION FROM MRS. GOODWYN

2537 McGehee Road
Montgomery, Alabama
August 27, 1973

Honorable Members of the Senate and House of Representatives
State Capitol
Montgomery, Alabama

Dear Members,

I wish I had the ability to pen the depths of Joe's feelings for the Legislature and its members.

For sixteen years he worked hard in the House and Senate, not as a duty but as a privilege to be part of them, for he so believed in the legislative process, and the State of Alabama.

The tribute paid him by your Resolution, naming a building for him at Auburn University at Montgomery, was received with the deepest humility and gratitude. He told me he was extremely proud to be so honored, and the fact that his colleagues thought enough of him to bestow such an honor was the greatest compliment he could receive.

Thank you for your many kind actions and thoughtfulness in his last days, and for serving as Honorary Pall Bearers. I am sure he is happy knowing you went the last mile with him.

Most sincerely,
/S/ Mary Goodwyn.

The foregoing Communication from Mrs. O. J. "Joe" Goodwyn was read and, on motion of Mr. Pierce, was ordered spread upon the Journal.

UNFINISHED BUSINESS
BILLS ON THIRD READING

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 610. To create a committee to study and review state government audit agencies and audit practices; to provide for the appointment of its members and to fix their terms of office; to prescribe the functions and duties of the committee; to provide for the compensation of its members and payment of its expenses; and to make an appropriation for the use of the committee.

Mr. Noonan offered the following amendment to the Bill, H. B. 610, to-wit:

AMENDMENT TO H. B. 610

Amend Section 7 of H. B. 610 by striking Section 7 in its entirety and inserting in lieu thereof the following:

"Section 7. The sum of \$35,000 or so much thereof as may be necessary is hereby appropriated from any funds in the state treasury not otherwise appropriated, to the use of the committee created by this act. Provided, however, that this committee shall have one year from the date of its first meeting to carry out the provisions of this act and that until the elapse of the aforementioned time period, no

part of this appropriation shall revert to the general fund at the end of any fiscal year."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Owen	
Bailes	Foshee	Lybrand	Pelham	
Baker	Givhan	McLain	Pierce	
Carr	Harris	Malone	Register	
Clark	Hawkins	Melton	Vacca	
Dominick	Jones	Noonan	Weaver	
Dozier	King	O'Bannon	Wilder	
Edington				—28

Nays:

—0

And said Bill, H. B. 610, as thus amended, was then read a third time at length and passed.

Yeas 21; Nays 5.

Yeas:

Messrs.:	Horne	Melton	Register	
Baker	Jones	Noonan	Vacca	
Edington	King	Owen	Weaver	
Fine	Lindsey	Pelham	Wilder	
Foshee	Littleton	Pierce	Wilson	
Givhan	Malone			—21

Nays:

Messrs.:	Clark	Harris	Hawkins	
Bailes	Dominick			—5

RESOLUTIONS

Mr. Givhan offered the following Senate Joint Resolution, to-wit:

S. J. R. 118. MOURNING THE DEATH OF JAMES W. OAKLEY, SR.

WHEREAS, the history of our state and nation are filled with accounts of the heroic and selfless deeds of men and women of all walks of life; and

WHEREAS, no servant of the people gave so much of himself for his family, his community, his state and his nation as did James W. Oakley, Sr.; and

WHEREAS, James W. Oakley, Sr. at an early age realized the personal satisfaction of supporting himself and of helping to support his family; and

WHEREAS, at the age of 16, he purchased The Centreville Press, a weekly newspaper in Bibb County, from his father; and

WHEREAS, during his early years with the newspaper, he was faced with the matter of survival itself; and

WHEREAS, because of such, he learned the art and the nuance of negotiation and compromise, which was to serve him so well in his later life; and

WHEREAS, his newspaper experience brought him into daily contact with the citizens of Centreville and Bibb County, both of the private and the public sector; and

WHEREAS, through these contacts and through exemplification of an inborn desire to always be upright and honest in his dealings with his fellowman; and

WHEREAS, in 1936, his peers recognized the sincerity of the young Oakley in his efforts to serve all the people of his area and elected him to the Council of the City of Centreville; and

WHEREAS, his work as a public servant equaled his work as a journalist and was recognized abroad in the community; and

WHEREAS, James W. Oakley, Sr. was elected Mayor of the City of Centreville in 1957 and served in that post until his death on October 1, 1972; and

WHEREAS, the journalist-politician was ever diligent in upholding the finest ideals of both professions; and

WHEREAS, he unceasingly devoted himself to solving the needs of his community, using both his office as Mayor and his position as Publisher, to bring to light both the abuse of power and the joy of unselfish public service, where either existed; and

WHEREAS, he was a devoted father and husband and, as such, believed in the strength of a God-fearing family; and

WHEREAS, a life-long faith in God and the tenets of the New Testament led him to support vigorously his church and its programs;

NOW THEREFORE BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that their members do hereby mourn the death of James W. Oakley, Sr. and extend to his family their sincerest sympathy; and

BE IT FURTHER RESOLVED that the members of the James W. Oakley, Sr. family and of the press of Alabama be notified of the passage of this resolution and that a copy of it be provided to each as appropriate.

On motion of Mr. Givhan, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Bailes, Vacca, Dominick, King, Gilmore and Hawkins offered the following Senate Joint Resolution, to-wit:

S. J. R. 119. MOURNING THE DEATH OF FRANK P. SAMFORD

WHEREAS Frank P. Samford, Sr. passed away at Birmingham, Alabama at the age of 75; and

WHEREAS Mr. Samford was a leading businessman and philanthropist in Jefferson County; and

WHEREAS Samford University was named for him; and

WHEREAS he was a native of Troy, earned a B. S. degree from Auburn University; and

WHEREAS his first insurance job was with the Manhattan Life Insurance Company which he left in 1915 when the Insurance Department of the State of Alabama was created and he took the job as first deputy insurance commissioner with this department. Six years later he was elected secretary-treasurer of Liberty National Life Insurance Company and worked his way up to chairman of the Board in 1960; and

WHEREAS Mr. Samford will be greatly missed by his fellow citizens in Jefferson County and throughout the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they do pass this resolution as a memorial to the life of this outstanding man.

BE IT FURTHER RESOLVED That a copy of this resolution be sent to the members of his family.

On motion of Mr. Bailes, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Edington offered the following Senate Joint Resolution, to-wit:

S. J. R. 120. OBSERVING THE 10th ANNIVERSARY OF THE USS ALABAMA BATTLESHIP COMMISSION

WHEREAS, The 11th day of September 1973 marks the 10th anniversary of the establishment of the USS Alabama Battleship Commission; and

WHEREAS, Subsequent to such establishment the battleship USS ALABAMA (BB-60) was transferred by the Department of the Navy of the United States to the State of Alabama and towed from its moorings at Bremerton, Washington to the Port of Mobile where it is permanently enshrined as a living memorial to the Alabamians who so valiantly participated in World War II, the Korean Campaign and subsequent United States military engagements; and

WHEREAS, The submarine USS DRUM (SS-228) was similarly acquired and towed to Mobile; and

WHEREAS, Appropriate displays have been placed in Battleship Alabama Memorial Park by each of the Armed Services of the United States; and

WHEREAS, During the time that the USS ALABAMA (BB-60) and the USS DRUM (SS-228) have been enshrined at Mobile, these significant vessels have been professionally restored to and have been maintained in superb condition; and

WHEREAS, Over two and one-half million persons have visited these ships and the other displays located on Battleship Alabama Memorial Park; and

WHEREAS, The acquisition of the vessels and displays and the construction and improvement of said 75 acre park have been accomplished through voluntary donations and the judicious use of admission fees, all without cost to the State of Alabama; now therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Chairman, Hon. Henri M. Aldridge; the Secretary, Hon. Stephens G. Croom; the former Executive Director, Vice-Admiral William V. Davis, Jr., USN (Retired); the present Executive Director, Captain Frank H. Brumby, Jr., USN (Retired); all other present and former members of the Commission and all present and former employees of the Commission, ought to be and the same are hereby commended for their outstanding service to the State of Alabama and for a job "WELL DONE".

BE IT FURTHER RESOLVED, That copies of this resolution be presented to the following:

Hon. Henri M. Aldridge

Hon. Stephens G. Croom

Vice-Admiral William V. Davis, Jr., USN (Retired)

Captain Frank H. Brumby, Jr., USN (Retired)

On motion of Mr. Edington, the Rules were suspended and the Resolution was adopted by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill:

H. 1345. To authorize Alabama Public School and College Authority to sell and issue one hundred twenty million dollars (\$120,000,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

and pending substitute, as amended, which said substitute and amendments are set out in the Journal of the Senate for the Thirty-Fourth Legislative Day.

The question was on the amendment offered by Mr. Fine to the substitute, as amended, for the Bill, H. B. 1345.

And said amendment was then adopted by the Senate.

Mr. Lybrand offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 1345

Amend H. B. 1345 by striking therefrom the whole of sub-section a of Section 8 and insert in lieu thereof the following:

"a. Sixty million dollars (\$60,000,000) to colleges and universities to be distributed as follows:

(1) \$8,000,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$8,000,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$4,000,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$8,000,000.00 of such proceeds shall be distributed to Auburn University;

(5) \$2,500,000.00 of such proceeds shall be distributed to Auburn University at Montgomery;

(6) \$4,400,000.00 of such proceeds shall be distributed to the University of South Alabama;

(7) \$3,100,000.00 of such proceeds shall be distributed to the University of Montevallo;

(8) \$4,000,000.00 of such proceeds shall be distributed to Florence State University;

(9) \$4,000,000.00 of such proceeds shall be distributed to Jacksonville State University;

(10) \$3,000,000.00 of such proceeds shall be distributed to Livingston State University;

(11) \$4,000,000.00 of such proceeds shall be distributed to Troy State University;

(12) \$3,000,000.00 of such proceeds shall be distributed to Alabama Agricultural and Mechanical University;

(13) \$3,000,000.00 of such proceeds shall be distributed to Alabama State University."

And further amend H. B. 1345 by striking therefrom the figure representing the total of the authorized bond issue wherever it appears in said bill and insert in lieu thereof the figure representing the total amount of authorized bonds to include the amount authorized by this amendment to the end that the total authorization will include such herein authorized increase.

Mr. Fine moved that said amendment to the substitute, as amended, for the Bill, H. B. 1345, be laid on the table, which motion was lost.

Yeas 12; Nays 16.

Yeas:

Messrs.:	Fine	Jones	Pelham	
Baker	Foshee	Littleton	Wilder	
Carr	Givhan	Malone	Wilson	
Dominick				—12

Nays:

Messrs.:	King	Melton	Pierce	
Bailes	Lindsey	Noonan	Register	
Dozier	Lybrand	O'Bannon	Vacca	
Edington	McLain	Owen	Weaver	
Hawkins				—16

And said amendment to the substitute, as amended, for the Bill, H. B. 1345, was then lost.

Mr. Lybrand then offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 1345

Amend H. B. 1345 by striking therefrom the whole of Sub-section a of Section 8 and insert in lieu thereof the following:

"a. fifty-two million four hundred fifty-six thousand dollars (\$52,456,000) to colleges and universities to be distributed as follows:

(1) \$7,500,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$7,500,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$3,333,000.00 of such proceeds shall be distributed to the Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$7,500,000.00 of such proceeds shall be distributed to Auburn University;

(5) \$2,500,000.00 of such proceeds shall be distributed to Auburn University at Montgomery;

(6) \$3,667,000.00 of such proceeds shall be distributed to the University of South Alabama;

(7) \$2,790,000.00 of such proceeds shall be distributed to the University of Montevallo;

(8) \$3,333,000.00 of such proceeds shall be distributed to Florence State University;

(9) \$3,333,000.00 of such proceeds shall be distributed to Jacksonville State University;

(10) \$2,333,000.00 of such proceeds shall be distributed to Livingston State University;

(11) \$3,333,000.00 of such proceeds shall be distributed to Troy State University;

(12) \$2,667,000.00 of such proceeds shall be distributed to Alabama Agricultural and Mechanical University;

(13) \$2,667,000.00 of such proceeds shall be distributed to Alabama State University."

And further amend H. B. 1345 by striking therefrom the figure representing the total of the authorized bond issue wherever it appears in said bill and insert in lieu thereof the figure representing the total amount of authorized bonds to include the amount authorized by this amendment to the end that the total authorization will include such herein authorized increase.

Which was adopted.

Mr. Fine offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 1345

Amend Section 8, subsection (3) on page 13 by adding the following paragraph:

"Of the amount in subsection (1) and (2) above to Butler County Board of Education, two hundred and fifty thousand dollars (\$250,000) shall be expended for additional school buildings at McKenzie High School, and the remainder shall be used at the discretion of the Board of Education of Butler.

"Of the amount in subsection (1) and (2) above to Crenshaw County Board of Education, two hundred and fifty thousand dollars (\$250,000) shall be expended for a gymnasium at Dozier High School, and the remainder shall be used at the discretion of the Board of Education of Crenshaw County."

Which was adopted.

Mr. Littleton offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 1345

Amend Section 8, sub-section (3) on page 13 by adding the following paragraph:

"Of the amount allocated in sub-section (1) and (2) above to Chilton County Board of Education four hundred and fifty thousand dollars (450,000) shall be expended for a gymnasium at Jemison High School and two hundred and fifty thousand dollars shall be expended for an auditorium at Thorsby High School and the remainder shall be used at the discretion of the Board of Education of Chilton County."

Which was adopted.

Mr. Givhan offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 1345

Amend Section 8, subsection (a), (4) Auburn University to read as follows:

(4) 7,500,000 of such proceeds shall be distributed to Auburn University of which \$5,475,000 shall be allocated for the purpose of improvement of the Experiment Station facilities.

On motion of Mr. Harris, said amendment was laid on the table.

Mr. Weaver offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

**AMENDMENT TO COMMITTEE SUBSTITUTE AS AMENDED
FOR H. B. 1345**

Amend H. B. 1345, Section 8 e 1 to read as follows:

"1. Alabama Institute for the Deaf and Blind,
Talladega, Alabama\$600,000.00"

Further amend H. B. 1345 by striking therefrom the figure representing the total of the authorized bond issue wherever it appears in said bill and insert in lieu thereof the figure representing the total amount of the authorized bonds to include the amount authorized by this amendment to the end that the total authorization will include such herein authorized increase.

Mr. Fine moved that said amendment be laid on the table, which motion was lost.

And said amendment was then lost.

Yeas 16; Nays 17.

Yeas:

Messrs.:	Hawkins	Lybrand	Owen	
Carr	Horne	McLain	Pelham	
Clark	Lindsey	Melton	Shelby	
Edington	Littleton	Noonan	Weaver	
Harris				—16

Nays:

Messrs.:	Dominick	Jones	Register	
Bailes	Fine	King	Vacca	
Baker	Foshee	Malone	Wilder	
Branyon	Gilmore	Pierce	Wilson	
Cook	Givhan			—17

Mr. Fine offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

AMENDMENT TO H. B. 1345

And further amend H. B. 1345 by striking therefrom the figure representing the total of the authorized bond issue wherever it appears in said bill and insert in lieu thereof the figure representing the total amount of authorized bonds to include the amount authorized by this amendment to the end that the total authorization will include such herein authorized increase.

Which was adopted.

Mr. Edington then offered the following amendment to the substitute, as amended, for the Bill, H. B. 1345, to-wit:

AMENDMENT TO SUBSTITUTE, AS AMENDED, TO H. B. 1345

Amend Section 8 by adding a new subsection after subsection (c) thereof, to read as follows:

() "Alabama Educational Television Commission ... \$600,000.00

For the construction and equipping of an educational television studio at Mobile, Alabama. Such funds shall also be used in constructing and equipping such microwave transmission and receiving facilities as may be necessary to connect said studio into the existing Alabama Public Television Network and shall further be used to replace or reconstruct and equip the present television transmitting facilities serving Mobile and Baldwin Counties and other parts of southwest Alabama."

and retain the balance of Section 8.

Mr. Fine moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 19.

Yeas:

Messrs.:	Foshee	Littleton	Register	
Baker	Givhan	Malone	Shelby	
Branyon	Harris	O'Bannon	Wilson	
Fine	Jones	Pierce		—14

Nays:

Messrs.:	Dozier	King	Noonan
Bailes	Edington	Lindsey	Owen
Clark	Gilmore	Lybrand	Pelham
Cook	Hawkins	McLain	Vacca
Dominick	Horne	Melton	Weaver

—19

And said amendment to the substitute, as amended, for the Bill, H. B. 1345, was then adopted.

And said substitute, as thus amended, for the Bill, H. B. 1345, was then adopted by the Senate.

Yeas 35; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Harris	Malone	Vacca
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder
Dozier	Jones	O'Bannon	Wilson

—35

Nays:

—0

Mr. Wilson offered the following substitute for the Bill, H. B. 1345, as amended by the committee substitute, to-wit:

SUBSTITUTE FOR H. B. 1345

A BILL TO BE ENTITLED AN ACT

To authorize Alabama Public School and College Authority to sell and issue one hundred twenty-five million four hundred thousand dollars (\$125,400,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Au-

thority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions: Wherever used in this Act, the following terms shall have the following respective meanings unless the context clearly indicates otherwise:

"1957 Act" means Act No. 499 adopted at the 1957 Regular Session of the Legislature.

"1959 Act" means Act No. 126 adopted at the 1959 Second Special Session of the Legislature.

"1965 Act" means Act No. 243 adopted at the 1965 First Special Session of the Legislature.

"1967 Act" means Act No. 403 adopted at the 1967 Regular Session of the Legislature.

"1969 Act" means Act No. 1031 adopted at the 1969 Regular Session of the Legislature.

"1971 Acts" means Act No. 94 adopted at the 1971 First Special Session of the Legislature, Act No. 2428 adopted at the 1971 Regular Session of the Legislature, and Act No. 56 adopted at the 1971 Second Special Session of the Legislature.

"Authority" means Alabama Public School and College Authority, a public corporation and instrumentality of the state that was organized and is existing under the provisions of the 1965 Act.

"Board of Directors" means the board of directors of the Authority.

"Bonds" (except where that word is used with reference to bonds issued under another act), means those bonds, other than refunding bonds, issued under the provisions of this Act.

"Capital Improvements" means buildings containing classrooms, offices, libraries, laboratories, clinical or teaching facilities, and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, together with equipment therefor, and school buses.

"Legislature" means the Legislature of Alabama.

"Refunding bonds" means those refunding bonds issued under the provisions of this Act.

"State" means the State of Alabama.

Nouns and pronouns when used in this Act shall be deemed to include both singular and plural and all applicable genders.

Section 2. Authorization to Issue Additional Bonds and Purposes Thereof. Alabama Public School and College Authority is hereby authorized to sell and issue its bonds in the aggregate principal amount of one hundred twenty-five million four hundred thousand dollars (\$125,400,000) for the construction, reconstruction, purchase, alteration, improvement, and equipment, including school buses, of any types of

capital improvements for public educational purposes in the state, including senior colleges and universities, vocational-technical institutes, junior colleges, and elementary-secondary school systems and special schools, and including the acquisition of land and cost of architectural services therefor and services rendered by building inspectors and for periodic and final inspections thereof, and for acquiring sites therefor. The bonds authorized in this Act to be issued by the Authority shall be in addition to all other bonds heretofore authorized to be issued by it.

Section 3. Execution and Other Details of the Bonds. The bonds shall be executed, sealed and attested, shall with the income therefrom be exempt from all taxation in the state, may be used as security for deposits, and shall be eligible for investments of fiduciary funds, all as is provided in the 1965 Act. The bonds shall be in such form or forms and denomination or denominations and of such tenor and maturities, shall bear such rate or rates of interest payable and evidenced in such manner, may be made subject to redemption prior to their maturities, and may contain provisions not inconsistent with this Act, all as may be provided by the resolution of the board of directors under which the bonds may be issued; provided, that no bonds shall have a specified maturity date later than twenty years after their date; and provided further, that those bonds having maturities more than ten years after their date shall be subject to redemption at the option of the Authority on any interest payment date on and after the tenth anniversary after their date at such redemption price and under such conditions as may be prescribed in the proceedings of the Authority under which they are issued.

Section 4. Sale of the Bonds. The bonds may be sold by the Authority from time to time in series, and if sold in more than one series, may all be authorized in one initial resolution of the board of directors with the pledges therefor made by the Authority in such initial resolution although some of the details applicable to each series may be specified in the respective resolutions under which the different series are issued. Each series of the bonds shall be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest total net interest cost to the Authority for the series of the bonds being sold, computed from the date of those at the time being sold to their respective maturities and taking into account any premium named in the bid therefor; provided, that if no bid acceptable to the Authority is received it may reject all bids. Before any series of the bonds shall be offered for sale by the Authority, the Governor shall first determine that the issuance of such series of bonds and the application of the taxes pledged to the payment of the principal of such bonds as they mature and interest thereon as it comes due will not impair the adequacy of the Special Educational Trust Fund to pay appropriations therefrom and to support the public schools and institutions of higher learning during the period over which such bonds will mature. The Governor's determination shall be in writing signed by the Governor and such determination shall be final and conclusive. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the state which is customarily published not less often than five days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The board of directors may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act. Neither a public hearing nor consent of the State Department

of Finance or any other department or agency shall be a prerequisite to the issuance of any of the bonds.

Section 5. Appropriation of Revenues to the Authority; Pledge Thereof for the Benefit of the Bonds. For the purpose of providing for payment of the principal of and interest on the bonds and to accomplish the objects of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose from the following sources:

(a) The residue of the receipts from the excise tax (sometimes referred to as the utilities gross receipts tax) levied by Act No. 21 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 21, as amended, being that portion of the said tax that is required by the said Act No. 21, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(b) The residue of the receipts from the excise tax (sometimes referred to as the utilities use tax) levied by Act No. 37 adopted at the 1969 Special Session of the Legislature, as amended, remaining after payment of the expenses of administration and enforcement of the said Act No. 37, as amended, being that portion of the said tax that is required by the said Act No. 37, as amended, to be deposited in the state treasury to the credit of the Alabama Special Educational Trust Fund;

(c) The residue of the receipts from the license tax levied on those engaging in the business of leasing or renting tangible personal property levied by Act No. 96 adopted at the 1971 First Special Session of the Legislature, remaining after payment of the expenses of administration and enforcement of the said Act No. 96, being that portion of the said tax that is required by the said Act No. 96 to be deposited in the State Treasury to the credit of the Alabama Special Educational Trust Fund;

(d) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), and (c) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the sales tax levied by Act No. 100 adopted at the 1959 Second Special Session of the Legislature, as amended, after there shall have been taken from the said residue the amounts appropriated for other educational purposes in Section 32 of the said Act No. 100 (which said residue constitutes that portion of the receipts from the said sales tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue amounts sufficient to meet all prior charges on the said residue including such amounts as may be necessary to pay at their respective maturities the principal of and interest on those of the following bonds that may be outstanding at the time of the delivery of the respective series of the bonds authorized herein: (1) those bonds issued by the State of Alabama under the 1957 Act; (2) those bonds issued by Alabama Education Authority under the 1959 Act; (3) those bonds issued by Alabama Public School and College Authority under any of the 1965 Act, the 1967 Act, the 1969 Act, or the 1971 Acts; and

(e) To the extent and to the extent only that the revenues appropriated in the foregoing subsections (a), (b), (c), and (d) of this section may not be sufficient to pay at their respective maturities the principal of and interest on the bonds, the residue of the receipts from the excise tax known as the use tax levied in Article 11 of Chapter

20 of Title 51 of the Code of Alabama of 1940, as amended, after there shall have been taken from the said receipts the amount necessary to meet the expenses of the State Department of Revenue in collecting the said use tax (which residue constitutes that portion of the receipts from the said use tax that is now required by law to be paid into the Alabama Special Educational Trust Fund), and after there shall have been taken from the said residue such amounts as may be necessary to meet all prior charges on the said use tax including the amounts sufficient to pay at their respective maturities the principal of and interest on those outstanding bonds referred to in clauses (1), (2), and (3) of subsection (d) of this section.

All moneys hereby appropriated and pledged shall constitute a sinking fund for the purpose of paying the principal of and interest on the bonds. The State Treasurer is authorized and directed to pay at their respective maturities the principal of and interest on the bonds out of said fund and out of the residues of the tax receipts herein appropriated and pledged for the benefit of the bonds, and he is authorized and directed to set up and maintain appropriate records pertaining thereto.

Section 6. Bonds to be Payable Solely Out of Revenues Appropriated; Authorization for Authority to Pledge Such Revenues for the Bonds. Bonds issued by the Authority shall not be general obligations of the Authority and shall be limited obligations payable solely out of the residues of the tax receipts appropriated and pledged in Section 5 of this Act. All bonds issued by the Authority pursuant to the provisions of this Act shall be solely and exclusively obligations of the Authority and shall not constitute or create an obligation or debt of the state. As security for the payment of the principal of and interest on the bonds, the Authority is hereby authorized and empowered to pledge for payment of the principal of and interest on the bonds the residues of the tax receipts that are appropriated and pledged in Section 5 hereof for payment of such principal and interest. All such pledges made by the Authority shall take precedence in the order of the adoption of the resolutions containing such pledges. All such pledges shall be prior and superior to pledges that may be made for any refunding bonds hereafter issued by Alabama Education Authority under the provisions of the 1959 Act or by the Authority under the provisions of any of the 1965 Act, or the 1967 Act, or the 1969 Act, or the 1971 Acts, or any other act heretofore enacted.

Section 7. Sale of Refunding Bonds. The Authority may from time to time sell and issue refunding bonds in amounts sufficient to refund the principal of any matured or unmatured bonds or refunding bonds then outstanding that were issued by the Authority under the provisions of this Act, or the 1965 Act, the 1967 Act, the 1969 Act, the 1971 Acts, or any other act previously enacted, or that were issued by Alabama Education Authority under the provisions of the 1959 Act, and to pay the expenses of such refunding and any premiums necessary to retire those so refunded. For the purpose of providing funds to enable the Authority to pay at their respective maturities the principal of and interest on the refunding bonds issued by it under this Act and to accomplish the purposes of this Act, there is hereby irrevocably pledged to such purpose, and hereby appropriated, such amount as may be necessary for such purpose of the residues of the receipts from the excise taxes appropriated and pledged in subsections (a), (b), (c), (d) and (e) of Section 5 of this Act, but such pledge and appropriation shall be subject and subordinate to the pledge and appropriation made in the said Section 5 for payment of the principal of and interest on the bonds issued under the provisions of Section 2 of this Act. All other provisions of this Act shall apply to the refunding bonds issued hereunder except (a) the limitation contained

in Section 2 of this Act on the amount of bonds that may be issued under this Act, and (b) the provisions of Section 8 of this Act (except the last paragraph thereof). All pledges made in this Act, and all pledges made by the Authority pursuant to the provisions of this Act, for the benefit of refunding bonds issued under this Act shall take precedence in the order of the adoption of the resolutions authorizing the issuance of such refunding bonds.

Section 8. Use of Bond Proceeds. The proceeds derived from each sale of the bonds shall be deposited in the State Treasury and shall be carried in a separate fund therein for the account of the Authority, which shall pay therefrom the expenses of issuance thereof. The proceeds from the sale of the bonds remaining after payment of the expenses of issuance thereof shall be retained in said fund and paid out from time to time on orders or warrants issued by or on the direction of the Authority for any one or more of the purposes specified in Section 2 of this Act as may be deemed by the Authority to be most advantageous to the State, and such proceeds shall be used solely for such purposes and shall be allocated and expended by the Authority in the amounts set out as follows:

(a) thirty-four million eight hundred thousand dollars (\$34,800,000) to colleges and universities to be distributed as follows:

(1) \$4,640,000 of such proceeds shall be distributed to The Board of Trustees of the University of Alabama to be used at its Tuscaloosa campus;

(2) \$4,640,000 of such proceeds shall be distributed to The Board of Trustees of the University of Alabama to be used at its Birmingham campus;

(3) \$2,320,000 of such proceeds shall be distributed to The Board of Trustees of the University of Alabama to be used at its Huntsville campus;

(4) \$4,640,000 of such proceeds shall be distributed to Auburn University;

(5) \$1,160,000 of such proceeds shall be distributed to Auburn University at Montgomery;

(6) \$2,552,000 of such proceeds shall be distributed to the University of South Alabama;

(7) \$1,856,000 of such proceeds shall be distributed to the University of Montevallo;

(8) \$2,320,000 of such proceeds shall be distributed to Florence State University;

(9) \$2,320,000 of such proceeds shall be distributed to Jacksonville State University;

(10) \$2,320,000 of such proceeds shall be distributed to Livingston State University;

(11) \$2,320,000 of such proceeds shall be distributed to Troy State University;

(12) \$1,856,000 of such proceeds shall be distributed to Alabama Agricultural and Mechanical University;

(13) \$1,856,000 of such proceeds shall be distributed to Alabama State University.

(b) fifteen million three hundred sixteen thousand, three hundred sixty-four dollars (\$15,316,364) to junior colleges and vocational-technical institutes to be distributed as follows:

(1) Alexander City State Jr. College	\$ 372,007
(2) S. D. Bishop State Jr. College	367,169
(3) Brewer State Jr. College	207,273
(4) John C. Calhoun State Technical Jr. College	742,892
(5) Jefferson Davis State Jr. College	207,273
(6) Enterprise State Jr. College	392,234
(7) James H. Faulkner State Jr. College	350,019
(8) Gadsden State Jr. College	991,576
(9) Patrick Henry State Jr. College	207,273
(10) Jefferson State Jr. College	1,837,163
(11) Theodore A. Lawson State Jr. College	577,356
(12) Northeast Alabama State Jr. College	221,181
(13) Northwest Alabama State Jr. College	230,855
(14) Snead State Jr. College	369,807
(15) Southern Union State Jr. College	353,537
(16) George C. Wallace State Technical Jr. College	448,957
(Dothan)	
(17) George C. Wallace State Technical Jr. College	207,273
(Selma)	
(18) Lurleen B. Wallace State Jr. College	207,273
(19) Phenix City State Jr. College	785,455
(20) Alabama Institute of Aviation Technology	175,694
(21) Alabama Technical College	274,431
(22) Ayers State Technical College	203,199
(23) Bessemer State Technical College	296,294
(24) Calhoun State Technical School	245,515
(25) Carver State Technical Trade School	118,568
(26) Drake State Technical College	130,557
(27) Gadsden State Technical Institute	141,136
(28) Hobson State Technical Institute	176,399
(29) MacArthur State Technical College	287,478
(30) Muscle Shoals Technical Institute	235,289
(31) Northwest Alabama State Technical College	216,246
(32) Nunnelley State Technical Institute	216,246
(33) Opelika State Technical College	275,488
(34) Patterson State Technical College	234,936
(35) Reid State Technical College	234,585
(36) Shelton State Technical College	203,553
(37) Sparks State Technical Institute	72,727
(38) Southwest State Technical College	267,380
(39) Trenholm State Trade School	202,495
(40) Tuscaloosa State Trade School	92,122
(41) Walker County State Trade School	300,173
(42) Wallace State Technical Trade School (Dothan)	454,485
(43) Wallace State Technical College (Cullman)	419,010
(44) Wallace State Technical Institute (Selma)	163,000
(45) Wenonah State Technical School	136,906
(46) Atmore Trade School	147,130

(47) J. F. Ingram State Trade School	143,606
(48) Regional Technical Institute	175,343

(c) sixty-nine million six hundred thousand dollars (\$69,600,000) for elementary-secondary school systems and special institutions to be distributed as follows:

(1) Eighty-five thousand dollars (\$85,000) shall be paid to each city and county board of education and to the Alabama Institute for Deaf and Blind at Talladega, Girls' Industrial School at Chalkville, Boys' Industrial School at Birmingham and the Industrial School at Mt. Meigs to be used for the reconstruction, alteration, equipment and improvement of existing school buildings and for new construction.

(2) The residue from the sixty-nine million six hundred thousand dollars (\$69,600,000) after providing for costs involved in issuing said bonds and (1) above shall be allocated and distributed to city and county boards of education, pro rata, on the basis of teacher units as determined in accordance with the minimum school program for the school year 1973-74 to be used for the construction of school building facilities, including buildings and equipment, for reconstruction, alteration, equipment and improvement of existing school buildings in school building centers approved by the State Department of Education as permanent school centers.

(d) six hundred eighty-three thousand six hundred thirty-six dollars (\$683,636) for the following institutions to be distributed as follows:

- (1) \$400,000 to Alabama State University for library facilities.
- (2) \$283,636 to Talladega Vocational School for Deaf

(e) five million dollars (\$5,000,000) for replacement of burned school buildings. The proceeds are to be released for projects designated by the Governor.

The expenses of issuance of the bonds shall be prorated among the recipients listed in subsections (a), (b), (c), (d), and (e) of the proceeds from the sale of the bonds in the proportions they receive allocations of such proceeds hereunder.

Each building constructed wholly or in part with any portion of the proceeds of the bonds shall be constructed pursuant to plans and specifications approved by The Technical Staff of the Building Commission, or any agency that may be designated by the Legislature as its successor, and the costs of architectural and supervisory services shall be construed to constitute construction costs.

The proceeds derived from the sale of any refunding bonds issued under this Act remaining after paying the expenses of their issuance shall be used for the purpose of refunding the principal of the outstanding bonds for the refunding of which such refunding bonds were issued and paying any premium that may be necessary to be paid in order to retire the bonds so refunded.

Section 9. Severability. In the event any section, sentence, clause or provision of this Act shall be declared invalid by any court of competent jurisdiction, such action shall not affect the validity of the remaining sections, sentences, clauses, or provisions of this Act, which shall continue effective.

Section 10. Effective Date. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Fine, said substitute was laid on the table.

And said Bill, H. B. 1345, as thus amended by the Committee substitute, was then read a third time at length and passed.

Yeas 33; Nays 2.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Foshee	Lybrand	Pierce
Baker	Gilmore	McLain	Register
Branyon	Givhan	Malone	Shelby
Carr	Hawkins	Melton	Vacca
Clark	Horne	Noonan	Weaver
Cook	Jones	O'Bannon	Wilder
Dozier	King	Owen	Wilson
Edington	Lindsey		

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Nays: Messrs: Dominick, Harris

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MOTION IN WRITING

Mr. Dozier offered the following Motion in Writing, to-wit:

"I move that the Senate request the return from the House for further consideration H. B. 1309.

"L. L. Dozier."

Which was adopted.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 930. Repealing Constitutional Amendment CLXXXIV, relating to the compensation of certain officers of DeKalb County; proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of DeKalb County.

Also:

S. 885. To authorize the county commission in Houston County to regulate the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land and Mobile home parks situated outside the corporate limits of any municipality in the county.

Also:

S. 886. To establish a Civil Service System for Houston County; to provide a policy for the administration of this act; to divide positions in the county into classified and exempt services, and to provide for changes between such services; to provide a status for present employees; to provide personnel rules and personnel plans for Houston County; to provide that the first members of the personnel board shall be members of the existing personnel appeals board created pursuant to Act No. 2262, S. 1234, Regular Session 1971 (Acts 1971, p. 3643), and to provide for their successors in office; to provide for the adoption, amendment and repeal of rules, regulations, determinations, job classi-

fication plans, pay plans, and mandatory and/or permissive retirement plans to effectuate the purposes of this act; to provide for the employment of persons with competitive examination; to provide for temporary appointments and the manner in which and the extent to which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain city employees; to provide for rules governing working hours and leaves of absence; to provide for the laying off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the Personnel Board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required; to provide for an appeal from decisions of such board in such protests; to require such board to maintain certain records; to prohibit and fix the punishment for certain political activity by certain employees of the county; to provide for the expenses of such board; to guarantee certain rights to the governing body of Houston County.

Also:

S. 887. To repeal Act No. 2262, S. 1234, Regular Session 1971 (Acts 1971, p. 3643), entitled "An Act to provide for a personnel appeals board for every county having a population of not less than 56,500 nor more than 59,000, according to the most recent federal decennial census; to prescribe the qualifications, terms, duties, and compensation of its members; and to provide rules relating to political activities by employees of said counties."

Also:

S. 889. To provide for an investigator in the district attorney's office of the Thirty-First Judicial Circuit.

Also:

S. 926. To provide an additional expense allowance for the Judge of the County Court of Cherokee County.

Also:

S. 927. Relating to Cherokee County; to provide further for the salaries of the tax assessor and tax collector of Cherokee County.

Also:

S. 928. To amend the title and Section 1 of Act No. 1159, S. 873, Regular Session 1969 (Acts 1969, p. 2168), as amended, which fixes the compensation of the judge of probate and the sheriff in certain counties classified on a population basis.

Also:

S. 929. Relating to Cherokee County; to provide that all house trailers must have an identification tag on them even though said house trailer has been assessed for ad valorem taxation as part of the realty.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 109. To enact the Alabama Insurance Holding Company System Regulatory Act relating to insurance; to provide for the regulation of insurance holding company systems; to define the term "insurance holding company system" and certain other terms; to provide for and regulate the acquisition of subsidiaries of insurers; to regulate the acquisition of control of or merger with domestic insurers; to provide for the filing of certain information with the Commissioner of Insurance; to prescribe grounds for approval of mergers and acquisitions; to provide for notice and hearing; to provide for exemptions; to provide for registration of insurers and to prescribe information to be filed; to provide for amendments to registration statements; to provide for exemptions and disclaimers; to provide standards for material transactions between insurers and their affiliates; to regulate extraordinary dividends and distributions; to provide for examination by the Commissioner of Insurance with the respect to the verification of information required to be filed; to provide confidential treatment for information filed pursuant to the provisions of the Act; to empower the Commissioner of Insurance to issue rules, regulations, and orders to carry out and administer the provisions of the Act; to authorize the Commissioner of Insurance to enjoin violations of the Act; to prohibit voting of equity securities acquired in violation of the Act; to provide for the sequestration of securities acquired contrary to the provisions of the Act; to provide criminal penalties; to provide for receivership, revocation or suspension of license for violation of the Act; to provide for judicial review; to supersede conflicting laws; to provide for separability of provisions; and to provide an effective date.

Also:

S. 611. To Repeal Section 17 of Act No. 1594, Regular Session 1971, thereby applying the provisions of this act to counties with populations of 600,000 inhabitants or more.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 286. To provide subsistence allowances for law enforcement officers while on duty and to authorize expenditure of funds for that purpose.

Also:

H. 313. To name the fieldhouse at Ohatchee High School located in Calhoun County in honor of S. Gerald Acker.

Also:

H. 388. To provide for the exemption from ad valorem taxation of the home of any person who is totally disabled or who is sixty-five years of age or older and who had an adjusted gross income of less than five thousand dollars for income tax purposes for the last preceding year.

Also:

H. 677. Further amending Code of Alabama 1940, Title 22, Sections 23, 24, 25, 26, 27, 28, 29, 30, 31 and adding Section 31 (1), relating to Vital Statistics; providing for registration of death by the funeral director and filing a certificate of death by the attending physician or coroner in certain cases.

Also:

H. 734. To amend Title 45, Section 144, Alabama Code, 1940, as amended, providing a daily prisoner meal allowance, so as to provide for an increase in such allowance.

Also:

H. 1136. "To authorize the State Industrial Development Authority to sell and issue from time to time its bonds not exceeding \$2,000,000 in principal amount in addition to those heretofore authorized to be issued by it; to prescribe certain additional powers and duties of the Authority, including the power to make grants from the proceeds of the said additional bonds to counties, municipalities, and local industrial development boards, subject to certain limitations, for the purposes of making certain local surveys incidental to industrial development and to grade and drain industrial sites and the means of access thereto; to provide that the Authority may issue and sell such bonds for the purpose of making the said grants; to provide that such bonds and the income therefrom shall be exempt from taxation, that such bonds may be used to secure deposits of funds of the state and its political subdivisions, instrumentalities and agencies, shall be legal for investment of fiduciary funds and funds of the Teachers' Retirement System of Alabama, the Employees' Retirement System of Alabama, and the State Insurance Fund, and shall not create an obligation or debt of the state; to provide that all bonds issued by the Authority may thereafter be refunded by the issuance of refunding bonds; to provide for the deposit, investment and disposition of the proceeds of the sale of the bonds of the Authority; to make an appropriation and pledge of funds from the special tax levied by Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as amended, to the extent necessary to pay the principal of and interest on bonds of the Authority; to authorize the Authority to pledge the funds so appropriated for the payment of the principal of and interest on its bonds; to provide that such principal and interest shall be payable solely from the funds so appropriated; and to provide that the State Treasurer shall be the custodian of the funds of the Authority."

Also:

H. 1138. To amend further Section 3 of Act No. 654 adopted at the 1965 Regular Session of the Legislature of Alabama, as heretofore

amended, so as to reallocate the revenues derived from the tax authorized by the said Act and to appropriate so much of the said revenues as may be necessary for the retirement of additional bonds of the State Industrial Development Authority not exceeding \$2,000,000 in aggregate principal amount.

Also:

H. 1909. Pertaining to Madison County, to consolidate the offices of Register in Chancery of the 23rd Judicial Circuit, the office of County Court Clerk or its successor and the Clerk of the Circuit Court, 23rd Judicial Circuit; to provide that the Clerk of the said Circuit Court henceforth perform duties and functions of the said Register and County Court Clerk; to provide the compensation of the Circuit Clerk and to otherwise provide for the office of Clerk of the Circuit Court, 23rd Judicial Circuit of Alabama; to create the office of Court Administrator; to provide the compensation and duties of said office and to otherwise provide for said office.

Also:

H. 1005. To create a uniform military code by rewriting Sections 1-185 and Sections 203-349 of Title 35, Code of Alabama and amendments thereto, to provide for the Alabama National Guard and naval militia and to provide for the Alabama State Guard; to provide for the training, regulation, maintenance and appropriations therefor; to establish the state military department and the office of the Adjutant General and to prescribe the duties, authority, and power of such department and office; to establish a uniform code of military justice and to provide other authority incidental to the proper establishment and maintenance of the Alabama National Guard, naval militia, and the Alabama State Guard.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 1048. Relating to a system of accounting reporting for counties having populations of 600,000 or more according to the most recent federal decennial census; providing for publication of accounting information by all local units of government in such counties; to establish what such information should include; to set a date for the commencement of such reporting system; to provide that reports be made by auditors and examiners as to compliance with such system; to provide methods for enforcement of such reporting and compliance with such reporting system, and for penalties for lack of compliance.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1509, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill No. 1509, without the Governor's approval, and with a suggested Executive Amendment.

Respectfully Submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 28 DAY OF AUGUST, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 1509 without my approval and with a suggested Executive Amendment.

This Bill in essence provides for the handling and sale of table wines in Mobile County by retail wine licensees. I realize that this Bill received a majority vote by the elected House and Senate members from Mobile County and without any reflection on their judgment or ability to represent Mobile County, I am of the opinion that this Bill represents such a departure from the long standing exclusive control over the retail sale of wine by the Alabama Alcoholic Beverage Control Board that it should be submitted to the people of Mobile County for their consideration at the polls.

With the foregoing in mind, it is suggested that the title of said Bill be amended so as to add after the last word in said title the following:

"and to provide for a referendum of the voters of the County on the question of whether the Act will become effective in the County."

It is further suggested that Section 16 be deleted and the following substituted therefor:

"Section 16. The county commission shall call and provide for holding a referendum for the purpose of determining if this Act shall become operative. The referendum shall be held on the same day as the next general, special, or primary election held in the county, and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law for advertising, holding, and canvassing county elections.

"The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows: 'Do you favor allowing the retail sale of table wines as provided in Act No. _____ approved _____, 1973?' If the majority of the votes cast in the referendum are 'yes', the sale of table wines, as provided for in this Act, shall be legal in the county and this Act shall become operative therein; if the majority of the votes cast in the election are 'no', this Act shall have no further effect. The Probate Judge of the county shall certify the results to the Secretary of State of Alabama in thirty (30) days after the election returns are canvassed."

It is further suggested that the Bill be amended by adding the following:

"Section 17. This Act shall become effective upon its passage and approval by the Governor or by its otherwise becoming a law."

Respectfully,

GEORGE C. WALLACE,
Governor of Alabama.

The House has refused to make the amendment from His Excellency, the Governor, to the bill, H. 1509, and has laid same upon the table by a vote of Yeas 48, Nays 16, which is a majority of the whole number elected to the House.

And said bill:

H. 1509. Relating to all counties having populations of not less than 300,000 nor more than 500,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Was again read and passed by a vote of Yeas 57, Nays 17, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

GOVERNOR'S MESSAGE

On motion of Mr. Pelham, the Senate refused to accept the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1509, the title of which and said amendment are set out in the foregoing Message from the House.

Yeas 23; Nays 5.

Yeas:

Messrs.:	Edington	Lybrand	Pelham
Bailes	Hawkins	Malone	Pierce
Carr	Jones	Melton	Register
Cook	King	Noonan	Shelby
Dominick	Lindsey	O'Bannon	Vacca
Dozier	Littleton	Owen	Wilder

—23

Nays:

Messrs.:	Clark	Foshee	Weaver
Branyon	Fine		

—5

Which was a majority of the whole number elected to the Senate.

And the Senate reconsidered the Bill, H. B. 1509.

And said Bill, H. B. 1509, was again read at length and passed, the Governor's objections to the contrary notwithstanding.

Yeas 22; Nays 6.

Yeas:

Messrs.:	Hawkins	Malone	Pierce
Bailes	Jones	Melton	Register
Cook	King	Noonan	Shelby
Dominick	Lindsey	O'Bannon	Vacca
Dozier	Littleton	Owen	Wilder
Edington	Lybrand	Pelham	

—22

Nays:

Messrs.:	Branyon	Foshee	Wilson
Baker	Fine	Weaver	

—6

Which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 399. To amend Act No. 758, S 556, Regular Session 1967, which Act fixes the salary range of the State Budget Officer, by placing the authority to fix such salary in the State Personnel Board.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	King	O'Bannon
Bailes	Foshee	Lindsey	Owen
Baker	Gilmore	Littleton	Pelham
Clark	Givhan	Lybrand	Register
Cook	Harris	Malone	Shelby
Dominick	Hawkins	Melton	Vacca
Dozier	Horne	Noonan	Wilder
Edington	Jones		

—29

Nays:

—0

The Bill:

H. 2029. To further identify creditable years of service under the State Employees' Retirement System.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Edington	King	O'Bannon
Bailes	Fine	Lindsey	Owen
Baker	Foshee	Littleton	Pelham
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	Malone	Shelby
Clark	Harris	Melton	Vacca
Cook	Hawkins	Noonan	Wilder
Dozier	Horne		

—29

Nays:

—0

The Bill:

H. 1321. To make an appropriation for the payment of expenses of the Legislature.

Was read a third time at length and passed.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham
Bailes	Fine	Littleton	Pierce
Baker	Foshee	Lybrand	Register
Branyon	Gilmore	McLain	Shelby
Carr	Givhan	Melton	Vacca
Clark	Harris	Noonan	Weaver
Cook	Hawkins	O'Bannon	Wilder
Dominick	Horne	Owen	Wilson
Dozier	King		

—33

Nays:

—0

The Bill:

H. 200. To regulate further nonprofit corporations established for the purpose of maintaining and operating health care service plans; to amend further sections 304, 305, 306, 307 and progressively to 311 and 313 of Title 28, Code of Alabama of 1940, as amended, relating to such nonprofit corporations; and to provide for the continuation of the existence of said corporations organized prior to and existing on the effective date of this Act.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Cook	Foshee	Horne
Bailes	Dominick	Gilmore	King
Baker	Dozier	Givhan	Lindsey
Carr	Edington	Harris	Littleton
Clark	Fine	Hawkins	Malone

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Melton	Owen	Register	Wilder	
Noonan	Pelham	Vacca	Wilson	
O'Bannon	Pierce	Weaver		—30
<i>Nays:</i>				—0

The Bill:

H. 324. To make appropriations for the support and maintenance of the Walker County Junior College located at Jasper, in Walker County.

Was read a third time at length and passed.

Yeas 29; Nays 1.

Yeas:

Messrs.:	Edington	Lybrand	Pierce	
Bailes	Fine	Malone	Register	
Baker	Foshee	Melton	Shelby	
Branyon	Gilmore	Noonan	Vacca	
Carr	Hawkins	O'Bannon	Weaver	
Clark	Horne	Owen	Wilder	
Cook	King	Pelham	Wilson	
Dominick	Littleton			—29

<i>Nay:</i>	Mr. Harris	—1
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The Bill:

H. 325. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Was read a third time at length and passed.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Edington	Littleton	Pelham	
Bailes	Fine	Lybrand	Pierce	
Baker	Foshee	McLain	Register	
Branyon	Gilmore	Malone	Shelby	
Carr	Givhan	Melton	Vacca	
Clark	Hawkins	Noonan	Weaver	
Cook	Horne	O'Bannon	Wilder	
Dominick	King	Owen	Wilson	
				—31

<i>Nay:</i>	Mr. Harris	—1
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The Bill:

H. 147. To provide additional judges for the tenth judicial circuit of Alabama.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Cook	Gilmore	Littleton
Bailes	Dominick	Givhan	Lybrand
Baker	Dozier	Hawkins	McLain
Branyon	Fine	King	Melton
Clark	Foshee	Lindsey	O'Bannon

Owen	Register	Vacca	Wilder	
Pelham	Shelby	Weaver	Wilson	
Pierce				—28

Nays: —0

The Bill:

H. 245. Relating to the Thirty-Second Judicial Circuit; providing for an additional circuit judge in such circuit.

having been reconsidered and postponed on the Twenty-Ninth Legislative Day, was again taken up.

And said Bill, H. B. 245, was again read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hawkins	McLain	Pierce	
Bailes	Horne	Malone	Register	
Baker	King	Melton	Shelby	
Fine	Lindsey	Noonan	Vacca	
Foshee	Littleton	O'Bannon	Wilder	
Givhan	Lybrand	Owen		—22

Nays: —0

The Bill:

H. 736. To create two additional judgeships for the Twenty-third Judicial Circuit of Alabama, and to provide for the election, term, compensation, powers, duties, and authority of such judges.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Register	
Bailes	Foshee	Lybrand	Shelby	
Baker	Givhan	McLain	Vacca	
Clark	Hawkins	Melton	Weaver	
Cook	Horne	O'Bannon	Wilder	
Dozier	King	Pierce		—22

Nays: —0

The Bill:

H. 961. Relating to the Twenty-sixth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Givhan	McLain	Register	
Bailes	Hawkins	Malone	Shelby	
Baker	Horne	Melton	Vacca	
Carr	King	O'Bannon	Weaver	
Clark	Lindsey	Owen	Wilder	
Cook	Lybrand	Pierce	Wilson	
Foshee				—24

Nays: —0

The Bill:

H. 845. Relating to the Fifteenth Judicial Circuit; to provide for additional Circuit Judge in such Circuit; defining his jurisdiction, powers, right and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

was taken up.

Mr. Pierce offered the following substitute for the Bill, H. B. 845, to-wit:

SUBSTITUTE FOR H. B. 845

A BILL
TO BE ENACTED
AN ACT

Relating to the Fifteenth Judicial Circuit; to provide for additional Circuit Judge in such Circuit; defining his jurisdiction, powers, right and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

Be It Enacted by the Legislature of Alabama:

Section 1: There is hereby created an additional judgeship for the Fifteenth Judicial Circuit, which shall be designated Judgeship Number 4. The additional Judge shall be appointed for the Circuit by the Governor, within ten days after the effective date of this Act, who shall hold office until his successor is elected and qualified at the next general election for any State office. The Judge so elected shall hold office until the next general election for Circuit Judges. At the first general election for Circuit Judges held after the election of the first Judge to fill the judgeship hereby created and every six years thereafter, a Judge shall be elected to fill such judgeship at the same election as other Circuit Judges of the Fifteenth Judicial Circuit.

Section 2: The Judge appointed or elected as provided in Section 1 of this Act shall have and shall exercise all the jurisdiction, power, right and authority; shall possess all of the qualifications; shall perform all of the duties required; and shall be subject to all of the pains and penalties of such office as the other such Circuit Judges are subject to.

Section 3: The compensation of such Judge shall be the same as and paid under the same terms and manner as that of other Circuit Judges in the Fifteenth Judicial Circuit.

Section 4: The Judge may appoint a bailiff and a court reporter whose qualifications, powers, duties, and authorities shall be the same as such other bailiffs and reporters of the Fifteenth Judicial Circuit and whose compensation shall be the same as and paid under the same terms and manner as other bailiffs and reporters of the Fifteenth Judicial Circuit.

Section 5: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

Section 6: All laws or parts of laws which conflict with this Act are repealed.

Section 7: This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	O'Bannon	
Bailes	Givhan	Lybrand	Owen	
Baker	Hawkins	McLain	Pierce	
Carr	Horne	Malone	Register	
Cook	Jones	Melton	Vacca	
Dozier	King	Noonan	Weaver	
Fine				—24

Nays: —0

And said Bill, H. B. 845, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Givhan	McLain	Pierce	
Bailes	Hawkins	Malone	Register	
Baker	Horne	Melton	Shelby	
Carr	King	Noonan	Vacca	
Cook	Lindsey	O'Bannon	Weaver	
Fine	Lybrand	Owen	Wilder	
Foshee				—24

Nays: —0

The Bill:

H. 1652. Relating to the Twenty-eighth Judicial Circuit; providing for an additional circuit judge in such circuit.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	McLain	Register	
Baker	Givhan	Malone	Shelby	
Carr	Hawkins	Melton	Vacca	
Clark	Horne	Noonan	Wilder	
Cook	King	O'Bannon	Wilson	
Dozier				—24

Nays: —0

The Bill:

H. 2138. Relating to the thirtieth judicial circuit; providing for additional circuit court judge in such circuit.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Givhan	Lindsey	
Bailes	Dozier	Hawkins	Lybrand	
Baker	Fine	Horne	McLain	
Carr	Foshee	King	Malone	

Melton	Owen	Vacca	Wilder	
Noonan	Register	Weaver	Wilson	
O'Bannon	Shelby			—25
Nays:				—0

The Bill:

H. 2213. To re-divide the state into judicial circuits so as to create a Thirty-eighth Judicial Circuit consisting of Jackson County and to create a new judgeship and a new district attorney's position.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Owen	
Bailes	Foshee	McLain	Pelham	
Baker	Givhan	Malone	Register	
Carr	Hawkins	Melton	Vacca	
Clark	Horne	Noonan	Weaver	
Cook	King	O'Bannon	Wilder	
Dozier	Lindsey			—25

Nays: —0

The Bill:

H. 144. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of an incumbent thereof; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such incumbent, and to render such incumbent liable to all the pains and penalties of other Circuit Judges in the State, and to further provide for a division of authority and duties between judgeships in said Circuit.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pelham	
Bailes	Givhan	McLain	Register	
Baker	Hawkins	Malone	Shelby	
Carr	Horne	Melton	Vacca	
Clark	King	Noonan	Wilder	
Cook	Lindsey	Owen	Wilson	

—23

Nays: —0

The Bill:

H. 569. To provide for the appointment, duties and compensation of four additional Deputy District Attorneys in judicial circuits composed of one county having a population of 600,000 or more according to the last or any subsequent federal decennial census and to provide when said Act shall go into effect.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Baker	Clark	Fine
Bailes	Carr	Cook	Foshee

Givhan	Lybrand	O'Bannon	Vacca	
Hawkins	McLain	Owen	Weaver	
Horne	Melton	Pelham	Wilder	
King	Noonan	Shelby	Wilson	
Lindsey				—24
Nays:				—0

The Bill:

H. 2034. Relating to the First Judicial Circuit; designating each county solicitor or assistant district attorney in each county composing the circuit as a deputy district attorney, and providing that all such deputy district attorneys shall be entitled to receive equal shares of any funds appropriated by the state for the compensation of deputy district attorneys.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Givhan	Malone	Pelham	
Bailes	Hawkins	Melton	Register	
Carr	Horne	Noonan	Vacca	
Clark	King	O'Bannon	Wilder	
Fine	Lybrand	Owen	Wilson	
Foshee	McLain			—21
Nays:				—0

Abstaining: Mr. Lindsey —1

The Bill:

H. 244. To abolish the Office of County Solicitor of Cullman County, Alabama, and to extend the power, authority and duties of the District Attorney of the Thirty-Second Judicial Circuit to require that he prosecute or supervise the prosecution of all misdemeanors and all felonies in any and all inferior courts in said Judicial Circuit and to perform all duties heretofore performed by the County Solicitor of Cullman County, and creating the Office of Deputy District Attorney for said Judicial Circuit to be appointed and serve at the pleasure of the District Attorney; setting the qualifications and salary of said Deputy District Attorney.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Givhan	McLain	Pierce	
Bailes	Hawkins	Malone	Register	
Baker	Horne	Noonan	Shelby	
Carr	King	O'Bannon	Vacca	
Fine	Lindsey	Owen	Wilder	
Foshee	Lybrand	Pelham	Wilson	
				—23
Nays:				—0

The Bill:

H. 1308. To provide for a state supplement to the Chief Deputy District Attorney in the 11th Judicial Circuit.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Givhan	McLain	Pierce	
Bailes	Hawkins	Malone	Register	
Baker	Horne	Melton	Shelby	
Clark	King	Noonan	Vacca	
Edington	Lindsey	O'Bannon	Wilder	
Fine	Littleton	Owen	Wilson	
Foshee	Lybrand	Pelham		—26

Nays:

—0

The Bill:

H. 640. To provide for the compensation to be paid the Deputy District Attorneys who are elected by the people, in all counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same, and to provide the date when said act shall go into effect.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Gilmore	Melton	Pierce	
Bailes	Hawkins	Noonan	Register	
Baker	Horne	O'Bannon	Shelby	
Clark	King	Owen	Vacca	
Fine	Littleton	Pelham	Wilder	
Foshee	Lybrand			—21

Nays:

—0

The Bill:

H. 2124. Relating to the eleventh judicial circuit; providing an expense allowance for the District Attorney of such circuit; providing for a county salary supplement for such District Attorney at the beginning of his next term of office.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	O'Bannon	
Bailes	Foshee	Lybrand	Owen	
Baker	Givhan	McLain	Register	
Carr	Hawkins	Malone	Vacca	
Clark	Horne	Melton	Wilder	
Dozier	King	Noonan	Wilson	
				—23

Nays:

—0

The Bill:

H. 1425. To amend Section 3 of Act No. 476, H. B. 627, Regular Session 1955 (Acts 1955, p. 1084), as amended, which section relates to

the compensation of the deputy district attorney of the Twenty-third Judicial Circuit, so as to further regulate the compensation of said deputy district attorney.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Givhan	Malone	Pierce	
Bailes	Horne	Melton	Register	
Baker	King	Noonan	Vacca	
Clark	Lindsey	O'Bannon	Wilder	
Fine	Lybrand	Owen	Wilson	
Foshee	McLain			—21

Nays: —0

The Bill:

H. 456. To provide further for the compensation of the deputy district attorney for Marion County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Hawkins	Malone	Register	
Bailes	Horne	Melton	Shelby	
Baker	King	Noonan	Vacca	
Carr	Lindsey	O'Bannon	Weaver	
Clark	Lybrand	Owen	Wilder	
Fine	McLain	Pierce	Wilson	
Givhan				—24

Nays: —0

The Bill:

H. 1757. To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the "Driver Education and Training Fund" for the express purpose of instituting and conducting a program of prelicensing driver education and training.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Fine	McLain	Pierce	
Bailes	Givhan	Malone	Register	
Baker	Hawkins	Melton	Shelby	
Branyon	Horne	Noonan	Vacca	
Carr	Lindsey	O'Bannon	Weaver	
Dominick	Lybrand	Owen		—22

Nays: —0

The Bill:

H. 1560. To further amend Section 2 of Act No. 100, H. 94, Second Special Session 1959, relating to revenue, to exclude the sales tax

exemption on certain products sold in vending machines and substitute therefor a tax on all purchases for resale, of food and food products, not including beverages other than coffee, milk, milk products and substitutes therefor, through coin operated dispensing machines.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Littleton	Pelham	
Bailes	Givhan	Lybrand	Pierce	
Baker	Hawkins	McLain	Register	
Branyon	Horne	Malone	Shelby	
Clark	Jones	O'Bannon	Weaver	
Dominick	King	Owen	Wilder	
Fine	Lindsey			—25

Nays:

—0

The Bill:

H. 263. To amend Section 2 of Act No. 160, H. 59, Third Special Session 1971 (Acts 1971, p. 4404), entitled "An Act To provide the manner and method by which Statewide Property Reappraisal shall be carried out and to spell out the responsibilities of all parties concerned and to provide for the enforcement of such a program by the Department of Revenue of the State of Alabama," so as to add a proviso that the Department of Revenue shall not have any authority or power to establish any rule, regulation, criteria or standard that shall require or allow any appraisal of real property to include the inside inspection of any human residence in this state.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pelham	
Bailes	Givhan	McLain	Pierce	
Baker	Hawkins	Malone	Register	
Branyon	Horne	Melton	Shelby	
Carr	King	Noonan	Vacca	
Cook	Lindsey	O'Bannon	Wilder	
Edington	Littleton	Owen		—26

Nays:

—0

The Bill:

H. 817. To provide for participation by the State of Alabama in the Interstate Library Compact.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Cook	Hawkins	McLain
Bailes	Dozier	Horne	Malone
Baker	Edington	King	Noonan
Branyon	Fine	Lindsey	O'Bannon
Carr	Foshee	Littleton	Owen
Clark	Givhan	Lybrand	Pelham

Pierce	Vacca	Weaver	Wilder	
Shelby				—28
Nays:				—0

The Bill:

H. 1004. To authorize County governing bodies to enter into contracts with Federal Government.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	O'Bannon	
Bailes	Foshee	Littleton	Owen	
Baker	Gilmore	Lybrand	Pierce	
Branyon	Harris	McLain	Register	
Carr	Hawkins	Malone	Vacca	
Clark	Horne	Melton	Wilder	
Dominick	King	Noonan		—26

Nays:				—0
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The Bill:

H. 216. To provide for transfer of certain members of the Employees' Retirement System of Alabama under Section 12 of Act 515 of 1945 Act as amended who are otherwise eligible to become members of the Teachers' Retirement System of Alabama under the provisions of Act #2307 of the 1971 Legislature.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Littleton	Pelham	
Baker	Gilmore	Lybrand	Pierce	
Carr	Givhan	McLain	Shelby	
Clark	Harris	Malone	Vacca	
Cook	Horne	Noonan	Wilder	
Dominick	King	O'Bannon	Wilson	

—27

Nays:				—0
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The Bill:

H. 107. To replace the "Alabama Apartment Ownership Act" with a new statute establishing and regulating CONDOMINIUM developments, as regards definitions; the nature, ownership and rights to possession of condominium units, common elements and limited common elements; the establishment of condominium property and the contents and recordation of declarations and bylaws and the amendment thereof, deeds, mortgages and other instruments relating to units; the administration and management of condominiums; liability, civil actions and service of process by and against the condominium and its unit owners; the ascertainment and charging of expenses for common elements and limited common elements to unit owners; the assessment of taxes and other public charges to unit owners; liens for labor and materials for work on condominium property and individual units; the mortgaging

of condominium property and individual units; the termination of the condominium form of ownership; statutory construction; severability of the statute and repeal of the present Alabama Apartment Ownership Act, Act No. 206, H. 81, First Special Session (Acts 1964, p. 266).

Was read a third time at length and passed.

Yeas 27; Nays 1.

Yeas:

Messrs.:	Dominick	King	Pelham
Bailes	Dozier	Lindsey	Pierce
Baker	Fine	Littleton	Register
Branyon	Foshee	Lybrand	Shelby
Carr	Givhan	McLain	Vacca
Clark	Hawkins	Malone	Wilder
Cook	Horne	Noonan	Wilson

—27

Nay: Mr. Melton

—1

The Bill:

H. 667. To provide for the adoption of adult persons and to declare the rights of the adopter and the adopted person.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pelham
Bailes	Givhan	McLain	Pierce
Baker	Harris	Melton	Shelby
Carr	Horne	Noonan	Vacca
Cook	King	Owen	Wilder
Dominick	Lindsey		

—21

Nays:

—0

The Bill:

H. 674. Further amending Code of Alabama 1940, Title 22, Section 93, relating to Vital Statistics, providing for accurate reporting data for divorces in order for Alabama to remain a registration district in the United States.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce
Bailes	Foshee	McLain	Register
Baker	Givhan	Melton	Shelby
Branyon	Hawkins	Noonan	Vacca
Carr	Horne	O'Bannon	Weaver
Clark	King	Owen	Wilder
Cook	Lindsey	Pelham	Wilson
Dominick	Littleton		

—29

Nays:

—0

The Bill:

H. 112. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	Lindsey	Owen	
Bailes	Fine	Littleton	Pelham	
Baker	Foshee	Lybrand	Pierce	
Branyon	Givhan	McLain	Register	
Carr	Harris	Malone	Shelby	
Clark	Hawkins	Melton	Vacca	
Cook	Horne	O'Bannon	Wilson	
Dominick	King			—29

Nays:

—0

The Bill:

H. 326. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pierce	
Bailes	Fine	Littleton	Register	
Baker	Foshee	Lybrand	Shelby	
Branyon	Givhan	Melton	Vacca	
Carr	Harris	Noonan	Weaver	
Clark	Hawkins	Owen	Wilder	
Cook	Horne	Pelham	Wilson	
Dozier	King			—29

Nays:

—0

The Bill:

H. 1185. To amend Sections 3 and 4 of Act No. 566, S. 117, p. 1046, Volume II, Acts of Alabama, Regular Session of the Legislature 1969, effective 2/1/70, the title of which act is, "To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State of Alabama having a population of less than 600,000 population according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries," by increasing the minimum and maximum salary allowed for such Supernumerary officials and providing for repayment of the amount of salary paid into the general fund of the county by such Clerks and Registers if their tenure of office is terminated prior to their becoming supernumerary.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Baker	Carr	Cook
Bailes	Branyon	Clark	Dozier

Edington	Horne	Melton	Shelby	
Fine	King	Owen	Vacca	
Givhan	Littleton	Pelham	Weaver	
Harris	Lybrand	Pierce	Wilder	
Hawkins	McLain	Register	Wilson	
				—27
Nays:				—0
Abstaining: Mr. Lindsey				—1

The Bill:

H. 508. To amend Section 32 of Act 100, H. 94, Acts of Alabama 1959, Volume 1, page 298, so as to change the phrase "old age assistance exclusively" to "general welfare purposes," and to distribute from the sales tax a sufficient sum for the counties to pay the cost of administering the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Owen	
Bailes	Edington	King	Pelham	
Baker	Fine	Lindsey	Pierce	
Branyon	Foshee	Littleton	Register	
Carr	Gilmore	Lybrand	Shelby	
Clark	Givhan	McLain	Vacca	
Cook	Harris	Melton	Wilder	
Dominick	Hawkins	Noonan	Wilson	
				—31

Nays: —0

The Bill:

H. 1361. To provide for compensation of Deputy District Attorneys No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit.

was taken up.

Mr. Shelby offered the following substitute for the Bill, H. B. 1361, to-wit:

SUBSTITUTE FOR H. B. 1361

A BILL TO BE ENTITLED AN ACT

To provide for compensation of Deputy District Attorneys No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit.

Be It Enacted by the Legislature of Alabama:

Section 1. Deputy District Attorneys No. 1, No. 2 and No. 3 of the Sixth Judicial Circuit shall be paid by the State of Alabama an annual salary of four thousand and eight hundred dollars (\$4,800.00) payable as the salaries of other state officers are paid.

Section 2. All laws or parts of laws which conflict with this act are repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Register	
Bailes	Foshee	McLain	Shelby	
Baker	Givhan	Malone	Vacca	
Carr	Hawkins	Noonan	Wilder	
Clark	Horne	Owen	Wilson	
Cook	King	Pierce		—22

Nays:

—0

And said Bill, H. B. 1361, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Givhan	Lybrand	Pierce	
Bailes	Hawkins	McLain	Register	
Baker	Horne	Malone	Shelby	
Clark	King	Noonan	Vacca	
Dozier	Lindsey	O'Bannon	Wilder	
Fine	Littleton	Owen	Wilson	
Foshee				—24

Nays:

—0

The Bill:

H. 154. To amend further Act No. 382, H. 834, approved September 9, 1955, as last amended, an Act authorizing the director of the highway department to issue special permits for movement of certain oversize vehicles on public highways (Acts 1955, p. 916).

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 154, to-wit:

AMENDMENT TO H. B. 154

Amend H. B. 154 by striking out the following words in Section 1: "Provided, that house trailers and portable storage houses not exceeding a total outside width of twelve feet or an overall length, including the towing vehicle and house trailer or portable storage houses, not exceeding seventy-five feet may be moved on any highway"

On motion of Mr. Fine, said amendment was laid on the table.

And said Bill, H. B. 154, was then read a third time at length and passed.

Yeas 23; Nays 2.

Yeas:

Messrs.:	Carr	Edington	Hawkins
Bailes	Clark	Fine	King
Branyon	Cook	Givhan	Lindsey

Littleton	Noonan	Pierce	Weaver	
Lybrand	Owen	Shelby	Wilder	
McLain	Pelham	Vacca	Wilson	
				—23

Nays: Messrs. Baker, Dominick —2

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown, and as amended has adopted the following Senate Joint Resolution and returns same herewith to the Senate for its consideration:

S. J. R. 117. Relative to the adjournment of the two Houses.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pelham, the Senate concurred in and adopted the following House amendment to the Resolution, S. J. R. 117, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. J. R. 117

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES THEREOF CONCURRING, That when the two Houses adjourn today, they adjourn to meet again on Wednesday, September 5, 1973, and when they adjourn on Wednesday, September 5, 1973, they adjourn to meet again on Thursday, September 13, 1973, and that when they adjourn on Thursday, September 13, 1973, they adjourn Sine Die.

BILLS ON THIRD READING RESUMED

The Bill:

H. 653. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945 p. 478), an act providing for appointment and designation of Supernumerary Circuit Judges.

was taken up.

Mr. Shelby offered the following amendment to the Bill, H. B. 653, to-wit:

AMENDMENT TO H. B. 653

Amend the bill by inserting in lieu of subsection (2) of Section 1 thereof, the following:

(g). Who has served continuously for not less than eighteen years as a circuit judge; may elect to become a supernumerary circuit judge of the state by filing a written declaration to that effect with the governor. If any circuit judge of the state has served as a member of the legislature of Alabama or as a judge of a court of record, then he may elect in his written declaration to the governor to count the years of service in the legislature or court of record as judicial service in the position of circuit judge, provided that not more than two and one-half years service in the legislature or court of record shall be included in the total number of years served. If the governor shall find that any such declarant qualified under either subdivision (a), (b), (c), (d), (e), (f), or (g), hereinabove set forth, a commission as supernumerary circuit judge of the state of Alabama shall thereupon be issued to such declarant by the governor. The office of circuit judge made va-

cant by the election of such declarant shall be filled by appointment of the governor as now provided by law. This section shall apply only to circuit judges who have been elected to that office, and are serving as circuit judges at the time of passage of this act.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Givhan	Lybrand	Pierce	
Bailes	Hawkins	McLain	Register	
Baker	Horne	Melton	Shelby	
Carr	King	Noonan	Vacca	
Clark	Lindsey	Owen	Weaver	
Cook	Littleton	Pelham	Wilder	
Dozier				—24

Nays:

—0

And said Bill, H. B. 653, as thus amended, was then read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Givhan	Lybrand	Pelham
Bailes	Hawkins	McLain	Pierce
Baker	Horne	Melton	Register
Cook	King	Noonan	Vacca
Dozier	Lindsey	O'Bannon	Weaver
Fine	Littleton	Owen	Wilder

—23

Nays:

—0

BILLS RE-REFERRED

Mr. Fine moved that the Bill, H. B. 1007, be recalled from the Standing Committee on Judiciary and re-referred to the Standing Committee on Commerce, Transportation and Common Carriers, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 1007, re-referred to the Standing Committee on Commerce, Transportation and Common Carriers.

BILLS ON THIRD READING RESUMED

The Bill:

H. 125. To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.
was taken up.

Mr. Foshee offered the following amendment to the Bill, H. B. 125, to-wit:

AMENDMENT TO H. B. 125

Amend Section 2 of H. B. 125 by striking Section 2 in its entirety and inserting in lieu thereof the following:

"Section 2. On or after October 1, 1973, there is hereby provided to any State employee who is receiving a retirement allowance from

the Employees' Retirement System of Alabama, or who was retired prior to or on October 1, 1973, an increase in his maximum retirement allowance in the amount of fifteen percent (15%)."

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Givhan	Lybrand	Owen	
Bailes	Hawkins	McLain	Pierce	
Clark	Horne	Malone	Shelby	
Cook	King	Melton	Vacca	
Fine	Lindsey	Noonan	Wilder	
Foshee	Littleton			—21

Nays: —0

And said Bill, H. B. 125, as thus amended, was then read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Dominick	Littleton	Pierce	
Bailes	Dozier	Lybrand	Register	
Baker	Fine	McLain	Shelby	
Carr	Givhan	Malone	Vacca	
Clark	Hawkins	Melton	Weaver	
Cook	Horne	Noonan	Wilder	—23

Nays: —0

The Bill:

H. 805. To amend Section 402 of Title 51, Code of Alabama of 1940, so as to provide for the deduction of certain dividends received by domestic and foreign corporations.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	Lindsey	Owen	
Bailes	Fine	Littleton	Pelham	
Baker	Foshee	Lybrand	Pierce	
Branyon	Givhan	McLain	Register	
Carr	Harris	Malone	Shelby	
Clark	Hawkins	Melton	Vacca	
Cook	Horne	Noonan	Weaver	
Dominick	King			—29

Nays: —0

The Bill:

H. 1530. To amend Section 3 of Act No. 96, H. 17, approved 1971, Special Session, p. 166, which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 1530, to-wit:

COMMITTEE AMENDMENT TO H. B. 1530

Amend House Bill 1530 by striking subsection (j) and inserting in lieu thereof the following:

"(j) The gross proceeds accruing from the leasing or rental of all structures, devices, facilities and identifiable components of any thereof acquired primarily for the control, reduction or elimination of air or water pollution, and the gross proceeds accruing from the leasing or rental of all materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution; and

(k) The gross proceeds derived by the lessor (which term includes a sub-lessor) from the leasing or rental of tangible personal property when the lessor and lessee (which term includes a sub-lessee) are wholly-owned subsidiary corporations of the same parent corporation or one is the wholly-owned subsidiary of the other, provided that the appropriate sales or use tax, if any was due, has been paid on such item of personal property, and provided further, that in the event of any subsequent subleasing of such tangible personal property to any person other than any such sister, parent or subsidiary corporation, any privilege or license tax due and payable with respect to such subsequent subleasing under the provisions of this act shall be paid."

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen
Bailes	Edington	King	Pelham
Baker	Fine	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Harris	Malone	Vacca
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder

—31

Nays:

—0

And said Bill, H. B. 1530, as thus amended, was then read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dozier	Horne	Owen
Bailes	Edington	Lindsey	Pelham
Baker	Fine	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Harris	Melton	Vacca
Cook	Hawkins	Noonan	Wilder
Dominick			

—28

Nays:

—0

The Bill:

H. 669. To amend Section 2 of Act No. 63 passed at the Extraordinary Session of the Legislature of Alabama of 1971 and approved

April 27, 1971, relating to the uniform disposition of unclaimed and abandoned property, so as to provide for the disposition of traveler's checks and money orders that have been outstanding for more than 15 years from the date of issuance; to amend Section 11 of said Act to provide for the omission from the report required by Section 11 of certain information as to traveler's checks and money orders; to amend Section 12 of said Act so as to exempt sums payable on traveler's checks and money orders from the provisions of Section 12; and to amend Section 13 of said Act in the case of sums payable on traveler's checks or money orders presumed abandoned, to provide for the payment of such sums within 20 days after the filing of the report required by Section 11.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Carr	Gilmore	Lybrand	Register	
Clark	Givhan	McLain	Shelby	
Dominick	Hawkins	Melton	Weaver	
Dozier	Horne	Owen	Wilder	
Edington				—24

Nays: —0

The Bill:

H. 226. To amend Title 52, Section 361, Code of Alabama 1940, as amended by adding new subsection nine (9) and renumbering existing subsections, to provide that a teacher may appeal to the State Tenure Commission in any instance when such teacher has been denied a formal hearing as required by Title 52, Sections 356 and 359, Code of Alabama 1940, as amended.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Littleton	Pelham	
Bailes	Fine	McLain	Pierce	
Baker	Foshee	Malone	Shelby	
Branyon	Gilmore	Melton	Weaver	
Carr	Givhan	Noonan	Wilder	
Clark	Horne	Owen	Wilson	
Dominick	Lindsey			—25

Nays: —0

The Bill:

H. 1182. To direct the State Department of Education to establish public kindergarten pilot programs in each of the congressional districts from which State Board of Education members are elected of the state.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Baker	Cook	Fine
Bailes	Clark	Edington	Foshee

Givhan	Lybrand	Noonan	Register	
Harris	McLain	Owen	Vacca	
Horne	Malone	Pelham	Wilder	
Littleton	Melton	Pierce		—22
<i>Nays:</i>				—0

The Bill:

H. 1829. Pursuant to constitutional amendment CCCXVII ratified on January 27, 1972, this bill creates the Judicial Retirement Fund, and provides for the administration and supervision thereof; provides for the qualifications for retirement benefits for certain judicial officers; provides for the payment of retirement and disability benefits from the fund to qualified individuals; and provides for appropriations to carry out the provisions of the Act.

Was read a third time at length as required by the Constitution and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Edington	Lybrand	Pelham	
Bailes	Fine	McLain	Pierce	
Baker	Foshee	Malone	Register	
Branyon	Hawkins	Melton	Shelby	
Carr	Horne	Noonan	Weaver	
Clark	King	O'Bannon	Wilder	
Dozier	Littleton	Owen	Wilson	—27

Nays: —0

The Bill:

H. 1284. To provide for the uniform minimum compensation for all deputy sheriffs in every county in the State of Alabama.

was taken up.

Mr. Melton offered the following amendment to the Bill, H. B. 1284, to-wit:

AMENDMENT TO H. B. 1284

Strike out Section 3 as last amended, and insert in lieu thereof the following:

Section 3. No county shall reduce the number of Deputy Sheriffs employed in such county to less than the number of Deputy Sheriffs employed by such county on the date this Act becomes law solely because of the provisions of this Act. This Act shall not apply in any county that does not employ four or more Deputy Sheriffs on the date this Act becomes law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cook	Foshee	Lindsey
Bailes	Dominick	Givhan	Littleton
Baker	Dozier	Hawkins	Lybrand
Clark	Fine	Horne	McLain

Malone	Owen	Pierce	Vacca	
Melton	Pelham	Register	Wilson	
Noonan				—24

Nays:				—0
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Mr. Foshee then offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. B. 1284 AS AMENDED

Amend H. B. 1284 as amended, by striking the following words in Section 3:

“This Act shall not apply in any county that did not employ four or more deputy sheriffs on June 1, 1973.”

Which was adopted.

Yeas 23; Nays 1.

Yeas:

Messrs.:	Fine	Lindsey	Pierce	
Bailes	Foshee	Littleton	Register	
Branyon	Givhan	Lybrand	Vacca	
Cook	Hawkins	McLain	Weaver	
Dominick	Horne	Malone	Wilder	
Dozier	King	Owen	Wilson	
				—23

Nay:	Mr. Melton	—1
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On motion of Mr. Fine, further consideration of the Bill, H. B. 1284, as amended, was postponed until the next Legislative Day as Unfinished Business.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate to return to the Senate for further consideration the bill:

H. 1309. To make a conditional supplemental appropriation to the Department of Public Safety for the fiscal years ending September 30, 1974 and September 30, 1975.

And sends same herewith to the Senate.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1309. To make a conditional supplemental appropriation to the Department of Public Safety for the fiscal years ending September 30, 1974 and September 30, 1975.

having been returned from the House for further consideration, was taken up.

On motion of Mr. Dozier, the Senate reconsidered the vote by which the Bill, H. B. 1309, was passed.

On motion of Mr. Dozier, the Senate reconsidered the vote by which the Bill, H. B. 1309, was ordered to its third reading.

Mr. Dozier then offered the following amendment to the Bill, H. B. 1309, to-wit:

AMENDMENT TO H. B. 1309

Amend H. B. 1309 by striking Section 1 in its entirety and inserting in lieu therefor the following:

"Section 1. In addition to all other appropriations heretofore made to the Department of Public Safety there is hereby appropriated from the State General Fund for each of the fiscal years ending September 30, 1974, and September 30, 1975 the following:

For the fiscal year ending September 30, 1974:		
For Other Expenses	1,290,000.00	
For Automotive Equipment Purchases	100,000.00	
For Federal Matching Funds	170,000.00	
Total		1,399,000.00
For the fiscal year ending September 30, 1975:		
For Other Salaries	428,210.00	
For Other Expenses	1,218,210.00	
For Automotive Equipment Purchases	100,000.00	
For Matching Federal Funds	200,000.00	
Total		2,172,210.00"

On motion of Mr. Dozier, further consideration of the Bill, H. B. 1309, and pending amendment, was postponed to the next Legislative Day as Unfinished Business.

The Bill:

H. 1549. To further amend Act No. 168, H. 270, Special Session 1966 (Acts 1966, p. 190), as amended, relating to the Alabama Historical Commission by increasing the Commission membership.

was taken up.

The Standing Committee on Conservation reported the following amendment to the Bill, H. B. 1549, to-wit:

COMMITTEE AMENDMENT TO H. B. 1549

In the first sentence of the synopsis of the bill strike the number "19" and insert in lieu thereof the number 20.

Also, strike out in its entirety Section 13 of Act No. 168, H. 270, Special Session 1966 (Acts 1966, p. 190), as amended, as it appears in Section 1 of the bill and insert in lieu thereof the following:

"Section 13. The commission shall consist of twenty (20) members; one of whom shall be the governor; one of whom shall be the lieutenant governor; one of whom shall be the speaker of the house of representa-

tives; one of whom shall be the director of the department of archives and history; one of whom shall be the director of the state department of publicity and information; one of whom shall be the director of the department of conservation; one of whom shall be the director of the state building commission; and thirteen (13) other persons to be appointed by the governor; one of whom shall be selected from a list of three (3) nominees submitted by the Alabama council of the American institute of architects; one from a list of three (3) nominees submitted by the Alabama historical association; one from a list of three (3) nominees submitted by the Alabama state chamber of commerce; one from a list of three (3) nominees submitted by the Alabama farm bureau federation; one from a list of three (3) nominees submitted by the president of the University of Alabama; one from a list of three (3) nominees submitted by the president of Auburn University; one from a list of three (3) nominees submitted by the president of the University of South Alabama; one from a list of three (3) nominees submitted by the president of Troy State University; one from a list of three (3) nominees submitted by the president of University of Montevallo; one from a list of three (3) qualified archaeologists nominated by the Alabama archaeological society; and three (3) from the state-at-large. Said nominees and appointees shall be persons who have demonstrated interest in and concern about the preservation of this state's rich history and traditions, and who are conversant with the history of the state and who are qualified to direct and supervise the work of the commission. The members appointed by the governor shall serve for terms of six (6) years each, except that the term of the members of the first commission shall be three (3) years for one half ($\frac{1}{2}$) of the members appointed by the governor and six (6) years for the remaining members. After the expiration of the term of the initial members all members appointed by the governor shall be appointed for terms of six (6) years each. Any member of the commission may be removed by the governor for cause, and vacancies in the commission shall be filled by the governor by the appointment of a competent and qualified person for the unexpired term, from a list of three (3) nominees submitted to him by the organization which originally nominated the member being replaced."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	Lybrand	Pelham	
Bailes	Fine	McLain	Pierce	
Baker	Givhan	Malone	Register	
Branyon	Harris	Melton	Shelby	
Clark	Hawkins	Noonan	Vacca	
Cook	Horne	O'Bannon	Wilder	
Dominick	Littleton	Owen		—26

Nays: —0

And said Bill, H. B. 1549, as thus amended, was then read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Carr	Dozier	Hawkins
Bailes	Clark	Edington	Horne
Baker	Cook	Gilmore	Lindsey
Branyon	Dominick	Givhan	Littleton

McLain
Malone
Melton
Noonan

O'Bannon
Owen
Pelham
Pierce

Register
Shelby
Vacca

Weaver
Wilder
Wilson

—29

Nays:

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REPORTS OF COMMITTEES

Mr. Wilson, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Grainger, King, Lutz, Hearn and Hale:

H. 2163. Appropriating \$125,000 per year for the next two years for the Institute for Occupational Health and Safety at Huntsville for operation and maintenance of such institution.

By Messrs. St. John, Carnes, Lutz and Doss:

H. 903. To regulate further the recording and indexing of instruments relative to land titles in counties having populations not in excess of 300,000 according to the last or any subsequent decennial federal census; to provide for a system of self-indexing of all land transfer instruments recorded in probate offices; and to prescribe fees.

By Mr. McDonald, et al:

H. 1272. To amend Code of Alabama, 1940, Title 52, Sections 364 and 365, which relate to the Teachers' Retirement System, amending such sections in relation to membership service creditable toward retirement and to provide for a conditional appropriation.

By Mr. Fite:

H. 1865. To make a conditional appropriation for the establishment and operation of a Southern Products Merchandising Mart.

By Messrs. St. John, Drake and Stokes:

H. 1219. To amend Act No. 691, S. 284, Regular Session 1951, as amended, Code of Alabama, providing for the salary of the official court reporters of the state.

By Mr. Casey:

H. 1839. Relating to circuit courts; authorizing the employment of confidential assistants to provide secretarial and other services for circuit judges in the state; prescribing the method of appointment, duties and compensation of said confidential assistants; providing for the purchase of equipment, etc.; and appropriating funds from the state treasury for such compensation and purchases of equipment.

By Messrs. Turner and Cottingham:

H. 632. To appropriate the sum of \$30,000 for each of the fiscal years ending September 30, 1974 and September 30, 1975 out of the State General Fund to the Geological Survey of Alabama.

By Mr. Grainger:

H. 1645. To authorize the Alabama Board of Nursing to grant from its contingency fund \$50,000 per year for each fiscal year ending in September of 1974 and 1975 to qualified agencies, individuals or institu-

tions to promote voluntary continuing education for registered nurses and Licensed Practical Nurses.

By Mr. Bank, et al:

H. 1171. To establish the Alabama Firefighters Personnel Standards and Education Commission; to provide for the appointment, tenure, qualifications, and payment of the members of the Commission; to provide for the employees and officers of the Commission; to regulate the meetings, quorum, and seal of the Commission; to prescribe the duties and functions of the Commission; to grant to the Commission the power to make rules, regulations, and standards, and for the publication of same; to provide penalties for the violation of this Act or the regulations of the Commission; to establish the Alabama Firefighters Personnel Standards and Education Fund and to provide for the Fund to accept grants, gifts, and other payments; to provide for cooperative agreements between firefighting agencies; to make biennial appropriations for the Fund for fiscal years 1973-74 and 1974-75; to provide for the severability of the parts of the Act; and to provide for the effective date of the Act.

By Messrs. Stubbs, Lyons and Smith (P):

H. 1890. To create the Alabama Science & Technology Commission; to provide for the members thereof and to provide for terms, compensation, duties and powers thereof; and to appropriate funds.

By Messrs. Lutz, Grainger, King, Hearn and Hale:

H. 2266. To amend Title 61, Section 69, Code of Alabama 1940, as amended, so as to provide that a non-resident may be appointed executor of a decedent's estate upon the consent of all heirs at law, legatees, and claimants of record of such estate.

By Mr. Robertson, et al:

H. 1169. To create an Alabama Recreation Commission; to provide for the members of the Commission, their appointments, qualifications, and term of office; to provide for the powers and duties of the Commission; to provide for the powers and duties of the Executive Director; to define the terms used in this Act; and to appropriate funds.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Dill:

H. 1795. To amend the Title and Sections 3, 10, 11, 14 and 16 of Act No. 2079 adopted at the 1971 Regular Session of the Legislature of Alabama, pertaining to municipal parking authorities incorporated in cities having a population of 300,000 or more according to the last or any subsequent federal census, which sections relate to the definitions set forth in said act, the powers of such authorities, the operation or leasing of parking facilities by such authorities, the bonds of such authorities and security therefor, so as to clarify and grant additional powers regarding the issuance of bonds, the security therefor, the leasing and sale of such facilities and other matters and to provide that any such authority now or hereafter incorporated shall have all rights, powers and privileges granted in said act as amended, notwithstanding subsequent changes in the population of the city authorizing its incorporation.

By Mr. Boles, et al (With Notice and Proof):

H. 1340. To amend Act No. 798, H. 486 of the Regular Session of 1965, an Act "Regulating costs and charges of courts in Jefferson County; prescribing the fees and commissions of constables, and repealing conflicting laws," so as to provide that constables shall receive the same fees for certain services prescribed for sheriffs performing like services.

By Messrs. McMillan and Falkenburg (with notice and proof):

H. 2109. To amend Section 138, Title 62, Code of Alabama 1940 (originally enacted as Local Act No. 462 of the 1939 Regular Session of the Legislature of Alabama, approved September 15, 1939, and subsequently reprinted as Section 138, Title 62, of the 1958 Recompiled Code of Alabama), as heretofore amended by Act No. 193 of the 1965 Regular Session of the Legislature of Alabama, approved July 30, 1965, to increase the Law Library Tax in each civil or quasi civil action at law, hereafter filed in, arising in, or brought by appeal, certiorari, or otherwise to the Circuit Court of Jefferson County, Alabama, except in the Bessemer Division thereof, from one dollar (\$1.00) to two dollars (\$2.00); and to increase the Law Library Tax in each civil case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, where the amount claimed in the complaint exceeds one hundred dollars (\$100.00) from twenty-five cents (\$.25) to fifty cents (\$.50), and where the amount claimed is one hundred dollars (\$100.00) and less, from ten cents (\$.10) to twenty cents (\$.20); in each criminal case hereafter filed in any statutory inferior court in Jefferson County, Alabama, except in the Bessemer Division thereof, there shall be taxed as cost a Law Library Tax in the sum of fifty cents (\$.50), said increases to be effective on the day of the second calendar month next following its passage by the Legislature of Alabama and its approval by the Governor of Alabama, or its otherwise becoming a law.

By Mr. Weeks, et al:

H. 2141. To accord the elected officials of any city of the state having a population of two hundred fifty thousand or more, according to the last or subsequent federal census, the option to become members of the pension system established for employees of such city, their widows and children; to provide that the board of managers or trustees, or other board, or body, administering such pension system shall adopt rules and regulations according such officials the option to become members of such pension system, on the same terms and conditions, and with the same obligations and benefits, as apply to the employees of the city belonging to such system; and to provide that such board or body, administering such pension system, shall provide for rules stating the terms and conditions on which any such official becoming a member of such pension system can acquire credit in the system for service as an elected official of the city prior to his becoming a member of the system, which terms and conditions shall be the same as those provided for city employees to secure credit in the system for their city service prior to their becoming members of the pension system.

By Mr. Waggoner (with notice and proof):

H. 2274. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Vestavia Hills, Jefferson County, Alabama.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable

report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Ellis, et al (With Amendment):

H. 1883. Relating to counties having a population of 600,000 or more inhabitants according to the most recent federal decennial census; to provide that all members of the public school boards of education in such counties be required to reside within the area over which the particular school system has jurisdiction and to provide that where the board members are elected they shall be elected only by voters residing within that school district.

By Mr. Gafford, et al (With Amendment):

H. 528. To provide for and regulate special elections to fill vacancies which occur on the governing bodies of counties of this State having populations of 500,000 or more according to the most recent federal decennial census.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Boles, et al (With Substitute):

H. 1378. To provide for the regulation of strip mining of coal in all counties in the State of Alabama of population of 600,000 or more according to the last federal decennial census based on the number of tons of strip mined coal produced in such counties and to provide for the reclamation and revegetation of lands and rebuilding of roads affected by such operations in said county; to prescribe the powers and duties of the Commissioner of the State Department of Conservation and Natural Resources in connection with strip mining; to prescribe conditions for the issuance of permits; to require bonds and prescribe conditions for forfeiture thereof; to levy an excise or privilege tax on every person engaging in strip mining coal in said county, to prescribe the rate thereof and the use of the proceeds; to create a land reclamation fund for the purposes of this Act; to provide a review procedure; to prescribe penalties for violations and provide for the enforcement of the provisions of this Act.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Erdreich, et al (with notice and proof) (With Amendment):

H. 1381. Further providing for the service of process by constables issued by the courts in Jefferson County, Alabama.

Mr. Pelham, Chairman of the Standing Committee on Constitution and Elections, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Turner, et al:

H. 1873. To provide for reapportionment of the two houses of the Legislature of Alabama, so as to provide for single member districts in both the house and the senate, and for the purpose of facilitating the equitable apportionment of representation therein, to create and es-

tablish additional wards or voting boxes by subdividing some beats or voting precincts or further subdividing some wards and boxes in certain counties.

Mr. Horne, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Grainger, et al (With Amendment):

H. 349. To provide that the boards of Alabama Institute for Deaf and Blind, Alabama Boys Industrial School, Alabama Girls Industrial School, and the Industrial School at Mt. Meigs shall grant personal leave to teachers.

Mr. Malone, Chairman of the Standing Committee on Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Bank, Weeks, Falkenburg and Culver (With Substitute):

H. 673. To amend Act No. 582 of Regular Session, 1963, (Acts 1963, Pg. 1266), pertaining to ionizing radiation control by adding a prohibition of announcing inspections, by adding civil penalties, by adding criminal penalties, by adding the posting of bonds, by providing for the delegation of authority, by designating the Radiation Control Agency for the purposes of the Federal Occupational Safety and Health Act of 1970, P. L. 91-596, by establishing the Radiation Reclamation Fund and providing for appropriations therefrom.

Mr. Malone, Chairman of the Standing Committee on Health, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Casey, Bank and Grainger:

H. 1035. Relating to hospitalization of mentally ill persons; defining terms; providing for specified civil, legal and treatment rights of patients, prescribing the duties and responsibilities of all persons and agencies concerned with the admission and treatment of mentally ill persons; prescribing the procedures for voluntary admission, emergency admission, admission for evaluation, and for involuntary hospitalization and treatment; prescribing the quality of care and treatment of patients; authorizing the Alabama Department of Mental Health to issue regulations enforcing the provisions of this Act; and repealing conflicting laws.

By Messrs. Bank, Falkenburg, Weeks and Culver:

H. 680. To provide that persons employed in county health departments under provisions of the merit system council for county departments of public health shall be covered under the provisions of the State Merit System; to provide a transfer date; to provide for exceptions; to provide for severability; and to provide an effective date.

By Mr. Burgess:

H. 1037. To provide for the licensing and regulation of certified social workers and social workers; to establish and define the duties

and powers of the State Board of Social Work Examiners; to make violation of this Act a misdemeanor, and prescribe a penalty therefor.

By Mr. Grainger, et al:

H. 1414. To provide for the control and disposal of solid wastes as generated by the general public, businesses, institutions, and industry, and to require counties and municipalities to provide for the collection and disposal of solid wastes and authorize them to charge a fee therefor, and to contract for such services to be performed by others and to permit the formation of districts for areas beyond corporate limits or cooperative joint or mutual agreements between county governments and municipal governments for the operation and implementation of solid wastes management in a manner meeting public health standards, and granting authority for the establishment of rules and regulations to enforce the provisions of this Act, and to provide a penalty for violating this Act and rules and regulations pursuant thereto in the interest of the public health, comfort and safety.

Mr. Malone, Chairman of the Standing Committee on Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Waggoner and Falkenburg (With Amendment):

H. 1635. To provide a state scholarship program to promote the education of graduate nurses at the School of Nursing of the University of Alabama, Birmingham, and making appropriations therefor.

Mr. Malone, Chairman of the Standing Committee on Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. King, et al:

H. 1281. To establish in the Alabama State Board of Health a program for the care of persons suffering from chronic renal diseases, designating powers and duties in relation thereto, and making an appropriation therefor.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Williams:

H. 942. To create the position of people's public service attorney in the Public Service Commission and prescribes his qualifications, duties, powers, and salary.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Merrill, Stewart, and Burgess (With Amendment):

H. 621. To amend Section 1 of Act No. 359, H. 150, Regular Session 1951 (Acts 1951, p. 646); to provide for the issuance of special license

tags to owners of private or pleasure motor vehicles who hold citizen's band radio licenses issued by the Federal Communications Commission.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Headley:

H. 1262. To create a Governor's Advisory Committee on Regional Planning, Development and Service Delivery to advise the Governor and the Legislature on physical and human resource planning, development, delivery of social services, and related matters within the state and twelve sub-state planning and development districts designated by the Governor's Executive Order under Act No. 1126, S. 378, Regular Session 1969 (Acts 1969, p. 2084); to provide for its membership; to require such committee to meet with the Governor semi-annually; to make an annual and semi-annual report to the Governor; provide for distribution of the annual report; to provide for the employees of the committee; and to provide for the funds for operation of such committee.

By Messrs. Waldrop and Carnes:

H. 234. Relating to speed limits on interstate highways, providing a minimum and maximum speed on such highways and prescribing penalties therefor.

By Messrs. Connell, Crawford and Barkett:

H. 1670. To designate The Annie Lee Cherry Gymnasium at the George C. Wallace State Technical Junior College.

By Mr. Hardin:

H. 1125. To rename the State Bureau of Publicity and Information; and to transfer duties and functions now performed by the State Bureau of Publicity and Information.

By Mr. Collins:

H. 102. Relating to motor vehicles; further regulating the operation of vehicles upon the highways; prohibiting the operation thereon of unsafe vehicles; authorizing the director of public safety to provide for the making of inspections and tests of motor vehicles to detect defective equipment or other violation of laws governing the use of public highways by motor vehicles and the owners and operators of such vehicles; requiring drivers or operators of motor vehicles, when directed by a police officer to do so, to stop their vehicles and submit them to the inspection and tests hereby authorized; and to prescribe penalties.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Adams, Brassell, Snell and Taylor (With Substitute):

H. 1758. To further provide for supernumerary district attorneys.

Mr. Foshee, Chairman of the Standing Committee on Commerce, Transportation and Common Carriers, reported that said Committee,

in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Waldrop and Carnes:

H. 233. To amend Section 37 of Act No. 516, H. 769, Regular Session 1949, which Act regulates use of highways by pedestrians and vehicles, by allowing a vehicle to turn right on a red traffic signal after making a full stop.

By Mr. Collins:

H. 916. To amend Title 51, Section 616, Code of Alabama 1940, providing for payment of a license fee by warehousemen, so as to eliminate the provision that a warehouseman-distributing agent pay an additional license fee.

By Mr. Carter, et al:

H. 2144. To require each city and county board of education in this state to grant lunchroom workers and custodial employees in each public school in this state the same percentage raise as was granted to school teachers under the provisions of the Special Educational appropriation bill enacted at the 1973 Regular Session of the Legislature.

By Mr. Smith (P), et al:

H. 338. To amend Title 51, Section 46, Code of Alabama 1940, which relates to estimating the value of property for the purpose of taxation.

By Mr. Casey, et al:

H. 422. To provide for the incorporation of Alabama Judicial Building Authority as a public corporation for the purpose of acquiring, financing and leasing facilities designed primarily for use by the appellate courts of the State of Alabama; to provide the procedure for incorporation; to designate the members, directors and officers of the Authority; to provide for the powers of the Authority; to authorize the Authority to acquire, construct, operate and finance facilities designed primarily for use by the appellate court of the State in the City of Montgomery, Alabama; to confer on the Authority the power of eminent domain; to provide for the issuance by the Authority for its corporate purposes of interest bearing bonds not exceeding \$9,500,000 in aggregate principal amount, payable solely out of the revenues of the facilities of the Authority; to provide that such bonds shall constitute negotiable instruments; to provide that bonds issued by the Authority shall not constitute or create a debt of the State; to provide for the refunding, by the issuance of bonds of the Authority, of bonds theretofore issued by it; to provide that bonds issued by the Authority may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority for the proper applications of its revenues and proceeds of such bonds, and by a non-foreclosable statutory mortgage lien on the facilities out of the revenues from which such bonds are payable; to provide for constructive notice of any such statutory mortgage lien; to provide for the use of proceeds of any bonds issued by the Authority; to provide for the investment, pending the need therefor, of the proceeds from the sale of the bonds of the Authority and any other moneys of the Authority not presently needed; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to exempt the property and income of the Authority, and all bonds issued by it and the income therefrom and conveyances and leases to which the Authority is a party, from all taxation in

the State, and to exempt the Authority from payment of certain charges to the judges of probate; to provide that any bonds of the Authority owned by a foreign corporation shall not constitute capital employed in the State for the purpose of determining liability for franchise and similar taxes; to provide that the State Treasurer shall be the treasurer of the Authority and the custodian of its funds; to authorize the conveyance to the Authority of land of the State located in the City of Montgomery; to authorize the lease by the Authority of its facilities to the State and to others; to authorize the lease by the State and its agencies of facilities from the Authority; to authorize the publication of notice of any resolution authorizing any bonds, pledges and covenants and to specify a limitation of time thereafter for actions or defenses respecting said bonds, pledges and covenants, and to provide for dissolution of the Authority and conveyance of its assets and properties to the State upon payment of said bonds; and to grant power and provide restrictions incidental to the performance of the foregoing.

By Mr. Flipppo:

H. 807. To amend Sections 7 and 8 of Act No. 740, Regular Session 1969, which Act created the Alabama Securities Commission, in order to revise salaries of the Director and Deputy Director of said Commission.

By Mr. Lyons, et al:

H. 414. To authorize the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Director of Finance to become a public corporation to be known as Alabama Legislative Building Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding \$12,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to provide for a standing legislative committee to approve the selection of architects or engineers and to approve the plans and specifications of buildings constructed by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by the Legislative Branch of the State of Alabama and to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to

private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

By Mr. Hill, et al:

H. 840. To provide that county highway employees of any county of the State who are members of the State Employees' Retirement System as a result of the responsibility for the construction, repair or maintenance of all county roads or bridges within such county being assumed by the State Highway Department or any other agency of the State, shall, at the employee's option, be entitled to receive credit for service with such county in such capacity rendered prior to becoming a member of the Employees' Retirement System provided such county highway employee pays into such Retirement System the required amount of contributions and interest for such period of service with the county and provided that such county highway employee pays into the retirement system the employer's amount of contribution and interest, unless the county elects to pay this amount; to provide that the Board of Control of the Employees' Retirement System shall adopt rules and regulations and shall fix and determine the accredited service and the amount to be contributed to the Retirement System by such employee and the county where he served; to provide that after the effective date of this act any such county highway employees who become members of the Employees' Retirement System shall be entitled to the provisions of this act.

By Mr. Edwards:

H. 1158. To amend Section 2 of Act No. 737, H. 649, Regular Session 1953 (Acts 1953, p. 1000), pertaining to the deposition of revenues derived from the sale of sand and gravel taken from the public water bottoms and state lands, so as to provide for an increase from five percent (5%) to seven and one-half percent (7½%) in the amount received by the State Lands Division of the Department of Conservation and Natural Resources as cost of administration of said lands.

By Mr. Edwards:

H. 1159. To amend Section 9 of Act No. 341, H. 26, Regular Session 1945 (Acts 1945, p. 554), which pertains to the Department of Conservation and Natural Resources' powers and duties with respect to lands owned by the State of Alabama, so as to provide that the maximum amount charged by said Department for administering, managing, protecting or developing state owned land will be raised from five percent (5%) of the gross income derived from said land to seven and one-half percent (7½%).

Mr. Noonan, Chairman of the Standing Committee on Seaports, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Collins, Waggoner, Callahan, and Lyons:

H. 375. To make an appropriation from the state treasury for the relief of Harry V. Schmidt.

By Mr. Kinsey, et al:

H. 389. To amend section 2 of Act No. 419, H. 459, Special Session

of the Alabama Legislature of 1966 (Acts 1966, p. 564) entitled "To exempt fuel and supplies used aboard commercial fishing vessels from sales and use taxes"; so as to redefine the term "commercial fishing vessels."

By Mr. Collins, et al:

H. 944. To amend Sections 10 and 11 of Act No. 481, S. 152, Regular Session 1963 (Acts 1963, p. 1028), so as to make the executive director and employees of the USS ALABAMA Battleship Commission eligible for membership in the state health insurance plan and eligible for participation in the state employees' retirement system.

Mr. Cook, Chairman of the Standing Committee on Public Buildings and Grounds, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Lyons, et al:

H. 249. Relating to automobile license tags; authorizing the secretary of the USS Alabama Battleship Commission to use a special tag number.

By Mr. Mims, et al:

H. 709. To amend Section 1 of Act No. 1981, H. 732, Regular Session 1971, (Acts 1971, v. IV, p. 3224), which act establishes the Alabama Peace Officers Standards and Training Commission, so as to include the Alabama Board of Corrections within the meaning of a "law enforcement agency" and a "law enforcement officer."

By Mr. Falkenburg, et al:

H. 1358. To name and designate a certain structure in the Alabama Heart Hospital at the Medical Center of the University of Alabama in Birmingham as the "Spain Tower."

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Stokes (with notice and proof):

H. 1832. To amend Section 2 of Act No. 167, H. 231, Regular Session 1955 (Acts 1955, p. 431), which provides for the composition of the Supervisory Committee of the Mobile County Personnel Board, so as to further provide for such composition.

By Mr. Parker (with notice and proof):

H. 1924. To require the county commission or like governing body of Tuscaloosa County to call an election to determine the sentiment of the voters of the county: (1) relative to levying additional ad valorem tax for developing parks and multi-recreation areas or facilities, as authorized by the amendment to the Constitution of 1901 proposed by an Act of the 1973 Regular Session, and (2) relative to the incurring of a debt and the issuance of bonds as authorized in such amendment.

By Mr. Parker (with notice and proof):

H. 1923. Proposing an amendment to the Constitution of Alabama authorizing the levy and collection of a special property tax and the

issuance and sale of bonds by Tuscaloosa County, the proceeds of which shall be used for the development of parks and multi-recreation areas, and other recreational purposes.

(The above Bill, H. B. 1923, was read a second time at length as required by the Constitution.)

By Messrs. Therrell and Wood:

H. 2235. To authorize and make provisions for the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an Authority as a public corporation for the purpose of providing public transportation service in such county, upon the filing of an application with, and the authorization of such incorporation by, the governing body of any such municipality within which any such Authority proposes to furnish any such service; to provide for the amendment of the certificate of incorporation of any such Authority for certain purposes at any time, upon the authorization of each such amendment by the governing body of the municipality by which its incorporation was authorized; to provide for the election and compensation of directors of any such Authority; to provide for the powers, authorities and duties of any such Authority and its board of directors; to authorize any such Authority to acquire, construct, operate, improve and finance one or more transit systems; to confer on any such Authority the power of eminent domain; to authorize any such Authority to expend funds for the purchase or lease of materials, equipment supplies or other personal property involving less than \$2,000 without compliance with the provisions of Act No. 217 (1967 Special Session) as amended that might otherwise be applicable; to employ officers, employees and agents without regard to any provisions of Act No. 217 (1967 Special Session), as amended, or of any civil service or merit system law that might otherwise be applicable; to make provisions respecting the establishment and revision of charges for public transportation service rendered by it; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing revenue securities, payable solely out of either or both of the following: (a) any tax proceeds appropriated, allocated or made payable (in whole or in part) to such Authority by or pursuant to any act of the legislature of this state or by or pursuant to any ordinance, resolution or order of any county in which the Authority is authorized to furnish transportation service or any municipality located in such county and (b) the revenues of any one or more of the transit systems of such Authority, without regard to the system or systems with respect to which such revenue securities may have been issued; to provide that such revenue securities shall constitute negotiable instruments; to provide that such revenue securities may be secured by a pledge of the revenues from which they are payable, by contracts binding any such Authority for the proper application of its revenues and of the proceeds of such revenue securities, and by a non-foreclosable mortgage and deed of trust or statutory mortgage lien on the transit system out of the revenues from which sum securities are payable, and to provide that any revenue securities of the Authority may be issued under a trust indenture; to provide for constructive notice of any such statutory mortgage lien; to authorize and make provisions respecting the assumption by any such Authority of obligations respecting any transit system, or parts thereof, acquired by the Authority; to provide for the use of the proceeds of any revenue securities issued by an Authority; to provide for the refunding, by the issuance of revenue securities of an Authority, of revenue securities theretofore issued or obligations theretofore assumed by it; to provide that revenue securities issued and contracts entered into by any such Authority pursuant to this

Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to provide that any county, municipality, other political subdivision, public corporation, or agency or instrumentality of this state may aid and cooperate with, lend or donate money to, perform services for the benefit of, and, without the necessity of an election and with or without consideration, transfer any transit system or other property to any such Authority; to exempt the property and income of any such Authority, and all securities issued by any such Authority and the income from such securities, and conveyances, leases, and mortgages and deeds of trust to which such Authority is a party from all taxation in the state, to exempt every such Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the state, and to exempt such Authority from payment of certain charges to Judges of Probate; to provide that each such Authority shall be exempt from regulation and supervision by the Public Service Commission and the State Department of Finance; to provide for the use of public roads in the state by any such Authority; to require the board of directors of any such authority to adopt an annual budget and to cause annual audits of the books and records of such authority to be made; to permit membership in labor organizations by employees of any such Authority; to provide that no employee of any such Authority shall be subject to the provisions of any civil service system or to the rules or regulations of any personnel board that might otherwise be applicable; and to provide for the dissolution of any such Authority and the disposition of its property.

By Mr. Lyons (with notice and proof):

H. 2084. To amend Section 2 of an Act of the Legislature of Alabama approved Aug. 6, 1947, entitled "An Act to authorize and provide for the establishment, maintenance, operation and financing of a Public Law Library in Mobile County, Alabama; to authorize the governing body of said County to expend public funds under its control therefor; to provide for the taxing and collecting of additional court costs in certain Courts in said County for such purpose and for the expenditure thereof; to designate the officers to accomplish said purpose and to define the powers and duties of such officers with respect thereto, and the designation of personnel to operate said Library, or to assist therein, and the employment of additional personnel for said purpose, and the payment of the salaries of such personnel," (Local Acts 1947 p. 172)

To increase the court costs to Two Dollars in proceedings in the Circuit Court of Mobile County, Alabama for the purposes of such Act.

By Messrs. Smith (P) and McCluskey (with notice and proof):

H. 2114. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

By Mr. Hardin (with notice and proof):

H. 2116. To establish the Butler County Court of Common Pleas in lieu of the Inferior Court of Butler County and to abolish said inferior court; to provide for the jurisdiction, officers, sessions, practice and procedure, and costs of the court herein created; to provide for appeals from said court; to provide for the first judge of said court and for the election and term of his successors in office; to prescribe the qualifications and compensation of the judge; and to repeal conflicting laws and to repeal specifically Act No. 27, H. 213, Regular Session 1951 (Acts 1951, p. 235), and all amendments thereto.

By Mr. Casey:

H. 2119. Relating to counties having a population of not less than 10,900 nor more than 11,500 according to the most recent federal decennial census; allowing the county commission to employ up to four additional deputy sheriffs.

By Mr. May:

H. 2172. To provide that any town of the state having a population of not less than 1,570 and not more than 1,625 according to the most recent federal decennial census shall have authority, after notice is provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations when the same are found by the governing body of such town to be unsafe to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

By Mr. May:

H. 2186. Relating to the boards of registrars in counties having populations of not less than 34,875 nor more than 36,000 according to the most recent federal decennial census, providing an additional expense allowance for the members of such boards.

By Mr. Edwards:

H. 2224. To provide that the provisions of Act No. 403, H. 330, of the Regular Session of 1971 (Acts 1971, p. 689) which provides for the registration and licensing of barbers, barber apprentices and barber colleges, shall not apply in any counties in this state having populations of not less than 12,700 and not more than 13,100 according to the most recent federal decennial census.

By Mr. Owens:

H. 2228. To authorize and provide for the collecting of a twenty-five cent application or issuance fee to be charged by Judges of Probate, License Commissioners, Directors of the County Departments of Revenue, or other like public officer performing like duties relating to the application or issuance of motor vehicle licenses, driver's licenses or permits, marriage licenses, and transfers of motor vehicle licenses in all counties having a population of not less than 15,650 nor more than 16,200, according to the last or any succeeding federal census, and, provided further, however, that no affidavit fee of twenty-five cents presently prescribed by law in said counties shall be collected for affidavits taken or required in the course of the application or issuance of licenses or transfers.

By Mr. Perloff (with notice and proof):

H. 2229. To amend further Section 9 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, P. 326), as amended, which fixes the membership of the Board of Policemen's and Fire Fighters' Pensions of the City of Mobile, so as to provide for election of certain members of such board, to amend Sections 14 and 15 of Act No. 243, H. 278, First Special Session 1964 (Acts 1964, P. 326), as amended which provide for the retirement of members or former members of the Mobile Police and Fire Departments, so as to provide that except in the case of a merit raise, no member's salary shall be raised within six (6) months before retirement.

By Messrs. Collins and Therrell:

H. 2236. To provide that the provisions of Act No. 403, H. 330, of the Regular Session of 1971 (Acts 1971, p. 689) which provides for the registration and licensing of barbers, barber apprentices and barber colleges, shall not apply in any counties in this state having populations of not less than 300,000 and not more than 600,000 according to the most recent federal decennial census.

By Mr. McCluskey (with notice and proof):

H. 2237. Relating to Talladega County; exempting said county from the provisions of Act No. 403, H. 330, 1971 Regular Session (Acts of 1971, p. 689), requiring the registration and licensing of barbers and barber apprentices.

By Mr. McCluskey (with notice and proof):

H. 2238. To relieve the probate judge of Talladega County of any liability concerning payments mistakenly made under the supposed authority of a repealed Act.

By Mr. O'Daniel:

H. 2249. Relating to counties having a population of not less than 30,000 nor more than 33,575 inhabitants according to the most recent federal decennial census; to validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

By Mr. Turnham:

H. 2275. Relating to counties having populations of not less than 60,000 nor more than 65,000 according to the most recent federal decennial census, providing an additional expense allowance for members of the county board of education.

By Mr. McCluskey (with notice and proof):

H. 2282. To provide further for the procedure for redeeming lands sold for taxes in Talladega County; to transfer certain duties of the probate judge of said county to the tax collector and to relieve the probate judge of such duties; and to repeal conflicting laws.

By Messrs. Smith (P) and McCluskey:

H. 2284. Relating to counties having populations of not less than 65,000 inhabitants nor more than 68,000 inhabitants according to the last or any subsequent federal decennial census; to levy a pistol permit fee in such counties.

By Messrs. Connell and Crawford (with notice and proof):

H. 2286. To amend Section 12 (a) of Act No. 630, S. B. 537 and Act No. 509, H. B. 699, Regular Session of the Legislature of Alabama, 1969, (Alabama Acts, 1969, p. 1150 and p. 971), an act creating and establishing the Houston County Court of Houston County, Alabama, in order to fix additional compensation or salary for the Clerk and Register of the Circuit Court and to fix the compensation or salary for the Clerk of the Juvenile Division of said Houston County Court and to provide for the additional office of Deputy Clerk of said Houston County Court, Juvenile Division, and the appointment, duties, terms of office, powers, authority and compensation of the holder of such office.

By Mr. Edwards:

H. 2150. Relating to counties having populations of not less than

12,700 nor more than 13,100 according to the most recent federal decennial census, allowing the county governing bodies of such counties to pay one deputy sheriff from either the public highway and traffic funds or the general funds of such counties, a salary in an amount not to exceed \$400.00 per month payable to such deputy sheriffs, said salary additional to any other now payable.

By Messrs. Barron, Taylor, Hobbie and Harris:

H. 2128. Relating to all counties having a population of not less than 150,000 nor more than 180,000, according to the most recent federal decennial census; providing further for the salary of the sheriff.

By Mr. Hobbie:

H. 2161. To amend Section 1 of Act No. 184, S. 123, 3rd Special Session 1971 (Acts 1971, p. 4445) which provides for staff assistants for the Commissioner of Public Works and for the Commissioner of Public Affairs, in certain cities classified on a population basis, so as to prescribe their compensation.

By Mr. Taylor:

H. 1638. Relating to the municipal courts of cities having a population of not less than 135,000 nor more than 155,000; allowing the judge of such court to refer persons appearing before him, whom he believes to be non compos mentis, to the probate judge of the county in which said city lies for the purpose of a sanity examination.

By Mr. Barron:

H. 2056. To grant the county governing bodies covered in this Act the authority to raise additional costs and fees to be charged by the Judges of Probate, Sheriffs, the Registers in Equity, the Deputy Registers of the Domestic Relations Division of the Circuit Courts and the Clerk of the County Courts, for the filing, recording, issuance and service of legal papers in all counties having a population of not less than 150,000 nor more than 180,000 inhabitants according to the last or any subsequent federal census; and providing for the disposition of such additional costs and fees.

By Messrs. Reynolds and Goodwin (with notice and proof):

H. 1043. To repeal Act No. 242, H. 684, approved August 13, 1957, Regular Session 1957 (Acts 1957, p. 302) entitled, "An Act Regulating through licensure the occupation of plumbing in Colbert County, Alabama; creating a board of plumbers examination and registration in such county for the purpose of examining and licensing master plumbers and journeyman plumbers; providing for the appointment and term of office of members of such board and prescribing the organization, powers and duties of the board; fixing standards for master and journeyman plumbers and prescribing examination and certification fees and authorizing their collection and disbursement; authorizing the revocation and renewal of such certifications and prescribing the procedures therefor; and providing penalties for violations of this Act."

By Messrs. Grainger, Lutz, King, Hearn and Hale (with notice and proof):

H. 2187. To provide an expense allowance for the Chairman of the Madison County Commission; to provide that the salary of said officer named in this Act shall be increased by the amount of said expense allowance and said expense allowance shall thereby terminate upon the commencement of the next term of said officer.

By Messrs. Grainger, Hale, Lutz, King and Hearn:

H. 2188. Relating to counties having a population of not less than 175,000 nor more than 300,000; providing salary increase for the sheriff of such counties.

By Messrs. King, Hearn, Lutz, Grainger and Hale (with notice and proof):

H. 2189. To change the compensation of the tax collector of Madison County, Alabama.

By Messrs. Hearn, Lutz, Grainger, King and Hale (with notice and proof):

H. 2192. To change the compensation of the tax assessor of Madison County, Alabama.

By Messrs. King, Hearn, Grainger, Lutz and Hale (with notice and proof):

H. 2193. To provide an expense allowance for the Probate Judge of Madison County, Alabama; to provide that the salary of said officer named in this Act shall be increased by the amount of said expense allowance and said expense allowance shall thereby terminate upon the commencement of the next term of said officer.

By Messrs. Lutz, Hale, Grainger, King and Hearn:

H. 2195. Pertaining to counties having populations of not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; establishing, subject to a referendum, a Charter Commission for the purpose of proposing a Charter for the consolidation of such counties and the municipalities situated therein; fixing the powers and duties of said Commission, providing for its membership and the payment of expenses.

By Messrs. Hearn, Lutz, Grainger, King and Hale (with notice and proof):

H. 2194. To provide an expense allowance for each member of the Madison County Commission, except for the Chairman thereof; to provide that the salary of said officers named in this Act shall be increased by the amount of said expense allowance and said expense allowance shall thereby terminate upon the commencement of the next term of said officers.

By Mr. Goodwin:

H. 2279. To authorize the county governing body of counties having a population of not less than 45,500 nor more than 52,000, according to the most recent federal decennial census, to pay all dues, fees, and expenses incurred by the Tax Assessors, Tax Collectors, or other like official by membership in their State organization.

By Mr. Easters (with notice and proof):

H. 715. Relating to Coffee County, Alabama: Prohibiting any bank located in Coffee County from moving its home office or principal place of business from the municipality in which it was originally established to any other location within the said county outside the limits of the municipality in which it was originally established.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Goodwin (With Amendment):

H. 2278. To authorize the county governing body of counties having a population of not less than 23,900 nor more than 24,450, according to the most recent federal decennial census, to pay all dues, fees, and expenses incurred by the Tax Assessors, Tax Collectors, or other like official by membership in their State organization.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Carnes, Wynot and Waldrop:

H. 2273. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; providing for no mandatory fees of any kind to be collected from children attending any school under the supervision or control of any county or city board of education.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Casey (with notice and proof) (With Amendment):

H. 1430. To amend Sections 7 and 9 of Act No. 2100, H. 1930, Regular Session 1971, (Acts 1971, p. 3369), which relates to the creation, jurisdiction, organization and functions of the Cleburne County Intermediate Court; to provide that the judge of said court receive a monthly expense allowance of \$275.00 in addition to his regular compensation; and to abolish the cost system in criminal cases and add in lieu thereof a standard fee of \$10.00.

Mr. Harris, Chairman of the Standing Committee on Local Legislation No. 1, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Barron, Taylor, Jones (F) and Hobbie:

H. 2231. To amend Title 13, Section 125(75d), Code of Alabama, as amended relating to the payment of supplemental salaries by Montgomery County to deputy district attorneys in the fifteenth judicial circuit.

By Messrs. Bassett and Hardin:

H. 2277. To apply only in counties having populations of not less than 24,900 nor more than 25,150, to provide for the appointment of the County Superintendent of Education; to prescribe his qualifications, duties and term of office; and to repeal all conflicting laws.

BILLS ON THIRD READING RESUMED

The Bill:

H. 2173. Relating to all counties having populations of not less than 115,000 nor more than 130,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified

wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Baker	Fine	Lindsey	Register	
Branyon	Foshee	Littleton	Shelby	
Carr	Gilmore	Lybrand	Vacca	
Clark	Givhan	Melton	Weaver	
Dominick	Harris	O'Bannon	Wilder	
Dozier	Jones			—25
Nays:				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 90. RESOLUTION NAMING THE UNIVERSITY CENTER BUILDING AT TROY STATE UNIVERSITY THE RALPH W. ADAMS BUILDING.

Also:

S. J. R. 103. NAMING U. S. HIGHWAY 11 BETWEEN BIRMINGHAM AND TRUSSVILLE THE RICHARD BEARD MEMORIAL PARKWAY.

Also:

S. J. R. 109. COMMENDING CERTIFIED NURSE ANESTHETISTS.

Also:

S. J. R. 110. DESIGNATING THE DENTAL CLINIC AT THE JAMES H. FAULKNER STATE JUNIOR COLLEGE IN BAY MINETTE "THE HAROLD B. PEARSON DENTAL CLINIC"

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 399. To amend Act No. 758, S. 556, Regular Session 1967, which Act fixes the salary range of the State Budget Officer, by placing the authority to fix such salary in the State Personnel Board.

Also:

H. 1321. To make an appropriation for the payment of expenses of the Legislature.

Also:

H. 200. To regulate further nonprofit corporations established for the purpose of maintaining and operating health care service plans; to

amend further sections 304, 305, 306, 307 and progressively to 311 and 313 of Title 28, Code of Alabama of 1940, as amended, relating to such nonprofit corporations; and to provide for the continuation of the existence of said corporations organized prior to and existing on the effective date of this Act.

Also:

H. 324. To make appropriations for the support and maintenance of the Walker County Junior College located at Jasper, in Walker County.

Also:

H. 325. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 147. To provide additional judges for the tenth judicial circuit of Alabama.

Also:

H. 245. Relating to the Thirty-Second Judicial Circuit; providing for an additional circuit judge in such circuit.

Also:

H. 736. To create two additional judgeships for the Twenty-third Judicial Circuit of Alabama, and to provide for the election, term, compensation, powers, duties, and authority of such judges.

Also:

H. 961. Relating to the Twenty-sixth Judicial Circuit; providing for an additional circuit court judge in such circuit.

Also:

H. 1652. Relating to the Twenty-eighth Judicial Circuit; providing for an additional circuit judge in such circuit.

Also:

H. 2138. Relating to the thirtieth judicial circuit; providing for additional circuit court judge in such circuit.

Also:

H. 2213. To re-divide the state into judicial circuits so as to create a Thirty-eighth Judicial Circuit consisting of Jackson County and to create a new judgeship and a new district attorney's position.

Also:

H. 144. To create an additional judgeship for the Tenth Judicial Circuit of Alabama; to provide for the election of an incumbent thereof; to prescribe the jurisdiction, powers, authority, qualifications, duties, and compensation of such incumbent, and to render such incumbent liable to all the pains and penalties of other Circuit Judges in the State, and to further provide for a division of authority and duties between judgeships in said Circuit.

Also:

H. 569. To provide for the appointment, duties and compensation of four additional Deputy District Attorneys in judicial circuits com-

posed of one county having a population of 600,000 or more according to the last or any subsequent federal decennial census and to provide when said Act shall go into effect.

Also:

H. 2034. Relating to the First Judicial Circuit; designating each county solicitor or assistant district attorney in each county composing the circuit as a deputy district attorney, and providing that all such deputy district attorneys shall be entitled to receive equal shares of any funds appropriated by the state for the compensation of deputy district attorneys.

Also:

H. 244. To abolish the Office of County Solicitor of Cullman County, Alabama, and to extend the power, authority and duties of the District Attorney of the Thirty-Second Judicial Circuit to require that he prosecute or supervise the prosecution of all misdemeanors and all felonies in any and all inferior courts in said Judicial Circuit and to perform all duties heretofore performed by the County Solicitor of Cullman County, and creating the Office of Deputy District Attorney for said Judicial Circuit to be appointed and serve at the pleasure of the District Attorney; setting the qualifications and salary of said Deputy District Attorney.

Also:

H. 1308. To provide for a state supplement to the Chief Deputy District Attorney in the 11th Judicial Circuit.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 2173. Relating to all counties having populations of not less than 115,000 nor more than 130,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its

title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bills:

H. 610. To create a committee to study and review state government audit agencies and audit practices; to provide for the appointment of its members and to fix their terms of office; to prescribe the functions and duties of the committee; to provide for the compensation of its members and payment of its expenses; and to make an appropriation for the use of the committee.

Also:

H. 1361. To provide for compensation of Deputy District Attorneys No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bills:

H. 845. Relating to the Fifteenth Judicial Circuit; to provide for additional Circuit Judge in such Circuit; defining his jurisdiction, powers, right and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

Also:

H. 125. To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.

Also:

H. 1530. To amend Section 3 of Act No. 96, H. 17, approved 1971, Special Session, p. 166, which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Also:

H. 1549. To further amend Act No. 168, H. 270, Special Session 1966 (Acts 1966, p. 190), as amended, relating to the Alabama Historical Commission by increasing the Commission membership.

JOHN W. PEMBERTON,
Clerk.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate

Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 149
S. B. 119
S. B. 237
S. B. 543
S. B. 277

Delivered to the Governor, August 23, 1973, at 1:45 P. M.

S. B. 170
S. B. 190
S. B. 191
S. B. 192
S. B. 193
S. B. 194
S. B. 566
S. B. 610
S. B. 634
S. B. 678
S. B. 686
S. B. 772
S. B. 773
S. B. 789
S. B. 790
S. B. 792
S. B. 793
S. B. 798
S. B. 815
S. B. 818
S. B. 820
S. B. 821
S. B. 827
S. B. 829

Delivered to the Governor, August 24, 1973, at 9:40 A. M.

S. B. 584

Delivered to the Secretary of State, August 24, 1973, at 9:50 A. M.

S. B. 75.
S. J. R. 86
S. J. R. 87

Delivered to the Governor August 28, 1973, at 3:35 P. M.

S. B. 803

Delivered to the Secretary of State, August 30, 1973, at 1:00 P. M.

S. B. 76
S. B. 694
S. B. 704
S. B. 804
S. B. 809

S. B. 810
S. B. 812
S. B. 816
S. B. 822
S. B. 830
S. B. 807
S. B. 400
S. J. R. 32
S. J. R. 91
S. J. R. 92
S. J. R. 100

Delivered to the Governor, August 30, 1973, at 12:55 P. M.

S. B. 137
S. B. 138
S. B. 461
S. B. 506
S. B. 805
S. B. 846
S. B. 850
S. B. 855
S. B. 857
S. B. 861
S. B. 862
S. B. 870
S. B. 876
S. B. 877

Delivered to the Governor, September 5, 1973, at 2:50 P. M.

S. B. 930

Delivered to the Secretary of State, September 5, 1973, at 2:55 P. M.

S. B. 885
S. B. 886
S. B. 887
S. B. 889
S. B. 926
S. B. 927
S. B. 928
S. B. 929
S. B. 109
S. B. 611

Delivered to the Governor, September 5, 1973, at 2:50 P. M.

McDOWELL LEE,
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 5 o'clock P. M., on motion of Mr. Fine, in accordance with Joint resolution heretofore adopted, and pending further consideration of the Bills, H. B.'s 1284 and 1309, the Senate adjourned until Thursday, September 13, 1973, at 8:30 A. M.

THIRTY-SIXTH LEGISLATIVE DAY

THURSDAY, SEPTEMBER 13, 1973

The Senate met pursuant to adjournment, Lieutenant Governor Beasley presiding.

PRAYER

The Session was opened with prayer by the Reverend Charles W. Norfleet, Associate Rector, Church of the Ascension, Montgomery, Alabama.

ROLL CALL

Present:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Harris	Malone	Vacca
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wild
Dozier	Jones	O'Bannon	Wilson

—35

JOURNAL

On motion of Mr. Bailes, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 977, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor returning House Bill Number 977 without his approval.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 28 DAY OF AUGUST, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

At the request of Representative Daniel Kinsey, I am returning to you, the Body in which it originated, House Bill Number 977, without my approval and with a suggested Executive Amendment.

In Section 1 strike in its entirety the line appearing in Section 17, Paragraph 5, which reads as follows:

"Baldwin 30 15 15"

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 977, by a vote of Yeas 62, Nays 1, which was a majority of the whole number elected to the House.

And said Bill:

H. 977. To amend further Code of Alabama 1940, Title 51, Section 17, as last amended by the state-wide property tax classification act (Act No. 166, H. 57, 1971 Third Special Session), so as to raise the ratio of assessed value to fair and reasonable market value of property in certain counties and to lower such ratio in other counties.

As amended by the amendment proposed by His Excellency, the Governor, was again read and passed by a vote of Yeas 59, Nays 1, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 977, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	King	Melton
Bailes	Foshee	Lindsey	Noonan
Branyon	Harris	Littleton	Owen
Clark	Hawkins	Lybrand	Pierce
Cook	Horne	McLain	Register
Dominick	Jones	Malone	Wilder
Edington			

—24

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 977, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce	
Bailes	Gilmore	Malone	Register	
Branyon	Givhan	Melton	Vacca	
Carr	Hawkins	Noonan	Weaver	
Cook	Horne	Owen	Wilder	
Dominick	King	Pelham	Wilson	
Edington	Lindsey			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING

The Bill:

H. 711. Further regulating deductions from penitentiary and hard labor sentences for good behavior; Amending Section 1 of Act No. 534, S. B. 353, Regular Session 1943, (Acts 1943, p. 508), and repealing Act No. 481, H. B. 552, Regular Session 1953, (Acts 1953, p. 600).

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Owen	
Bailes	Gilmore	Littleton	Pelham	
Carr	Givhan	Lybrand	Pierce	
Cook	Harris	Malone	Vacca	
Dominick	Hawkins	Melton	Wilder	
Edington	Jones	Noonan	Wilson	
Fine	King	O'Bannon		—26

Nays: —0

The Bill:

H. 707. To create and establish a fund for the Board of Corrections to be used by the Commissioner of Corrections in paying certain administrative expenses in the general office and in the prisons and institutions under his supervision.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Edington	Horne	Melton	
Bailes	Fine	Jones	Owen	
Baker	Foshee	King	Pierce	
Carr	Gilmore	Lindsey	Register	
Clark	Givhan	Littleton	Vacca	
Cook	Harris	Lybrand	Wilder	
Dominick	Hawkins	McLain	Wilson	

—27

Nays: —0

The Bill:

H. 709. To amend Section 1 of Act No. 1981, H. 732, Regular Session 1971, (Acts 1971, v. IV, p. 3224), which act establishes the Alabama Peace Officers Standards and Training Commission, so as to include the Alabama Board of Corrections within the meaning of a "law enforcement agency" and a "law enforcement officer."

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	Lindsey	Owen	
Bailes	Fine	Littleton	Pierce	
Baker	Foshee	Lybrand	Register	
Carr	Gilmore	McLain	Vacca	
Clark	Harris	Malone	Wilder	
Cook	Hawkins	Melton	Wilson	
Dominick	Horne	O'Bannon		—26

Nays: —0

The Bill:

H. 710. To amend Code of Alabama 1958 Recompiled, Title 45, Section 54, which section pertains to the providing of a convict with clothing and money upon discharge, so as to provide said convict with money for the least expensive mode of public transportation back to the point of sentencing.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gilmore	Lybrand	Owen	
Bailes	Harris	McLain	Pierce	
Clark	Hawkins	Malone	Register	
Dominick	Horne	Melton	Vacca	
Edington	Jones	Noonan	Wilder	
Fine	Lindsey	O'Bannon	Wilson	
Foshee	Littleton			—25

Nays: —0

The Bill:

H. 777. To amend Section 2 of Act Number 106 of the 1959 Regular Session of the Legislature of the State of Alabama.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Edington	King	O'Bannon	
Bailes	Fine	Lindsey	Owen	
Baker	Foshee	Littleton	Pierce	
Branyon	Gilmore	Lybrand	Vacca	
Carr	Givhan	McLain	Wilder	
Cook	Hawkins	Malone	Wilson	
Dominick	Jones	Melton		—26

Nays: —0

The Bill:

H. 778. To amend Section 12 of Act No. 107 adopted at the 1959 Regular Session of the Legislature of the State of Alabama so as to exempt from the criminal penalties provided therein the work performed under certain conditions by fellows, residents, interns or medical students who are employed by, or who are taking courses of instruction or training at, any facility of The University of Alabama School of Medicine or any other medical school, hospital or institution in a program supervised by the faculty of said School of Medicine.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Edington	Jones	Melton
Bailes	Fine	King	O'Bannon
Branyon	Foshee	Lindsey	Owen
Carr	Gilmore	Littleton	Pierce
Clark	Givhan	Lybrand	Vacca
Cook	Harris	McLain	Wilder
Dominick	Hawkins	Malone	Wilson

—27

Nays:

—0

The Bill:

H. 779. To amend Section 3 of Act Number 109 of the 1959 Regular Session of the Legislature of the State of Alabama amending Section 262 of Title 46 of the Code of Alabama 1940 (Recomp 1958).

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen
Bailes	Edington	King	Pelham
Baker	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Shelby
Carr	Gilmore	Lybrand	Vacca
Clark	Harris	Malone	Wilder
Cook	Hawkins	Melton	Wilson
Dominick			

—28

Nays:

—0

The Bill:

H. 1319. To amend further Code of Alabama 1940, Title 51, Section 17, as last amended by the state-wide property tax classification act (Act No. 166, H. 57, 1971 Third Special Session), so as to redefine the term "all property of utilities" and thereby except therefrom the property of railroads, freight lines and equipment companies engaged in the business of leasing railroad equipment, and so as to raise the ratio of assessed value to fair and reasonable market value of property in certain counties and to lower such ratio in other counties.

was taken up.

Mr. Clark offered the following amendment to the Bill, H. B. 1319, to-wit:

AMENDMENT TO HOUSE BILL 1319

AMEND HOUSE BILL 1319, SECTION 17, PARAGRAPH 5, BY DELETING IN ITS ENTIRETY THE LINE WHICH READS AS FOLLOWS:

"Baldwin 30 15 15"

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Fine	Lindsey	Pierce	
Baker	Foshee	Littleton	Register	
Branyon	Gilmore	Lybrand	Shelby	
Carr	Givhan	McLain	Vacca	
Clark	Hawkins	Noonan	Weaver	
Cook	Horne	O'Bannon	Wilder	
Dominick	Jones	Owen	Wilson	
Dozier				—32

Nays: —0

And said Bill, H. B. 1319, as thus amended, was then read a third time at length and passed.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Dozier	Lybrand	Pierce	
Baker	Edington	McLain	Shelby	
Branyon	Fine	Malone	Vacca	
Carr	Foshee	Melton	Weaver	
Clark	Jones	Noonan	Wilder	
Cook	King	O'Bannon	Wilson	
Dominick	Littleton	Owen		—26

Nay: Mr. Bailes —1

The Bill:

H. 1272. To amend Code of Alabama, 1940, Title 52, Sections 364 and 365, which relate to the Teachers' Retirement System, amending such sections in relation to membership service creditable toward retirement and to provide for a conditional appropriation.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Fine	Littleton	Pierce	
Baker	Foshee	Lybrand	Register	
Branyon	Gilmore	McLain	Shelby	
Carr	Givhan	Malone	Vacca	
Clark	Hawkins	Noonan	Weaver	
Cook	Horne	O'Bannon	Wilder	
Dominick	King	Owen	Wilson	
Dozier				—32

Nays: —0

The Bill:

H. 1887. To amend Section 10, Act No. 227, H. 2, Regular Session 1971 (Act 1971, p. 523), which Act authorizes and provides for the promotion of production, distribution, marketing, use, improvement and sale of soybeans.

Was read a third time at length and passed.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Foshee	Lindsey	Owen
Bailes	Gilmore	Littleton	Pelham
Baker	Givhan	Lybrand	Pierce
Branyon	Harris	McLain	Register
Clark	Hawkins	Malone	Vacca
Dominick	Horne	Melton	Weaver
Edington	Jones	Noonan	Wilder
Fine	King	O'Bannon	Wilson

—31

Nay: Mr. Shelby

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 537. To authorize the Baldwin County Commission to regulate the minimum size of lots and the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in Baldwin County.

Also:

S. 548. To provide the sheriff's department of Baldwin County with a specific number of employees, establishing the rate of compensation for said employees, and providing for training of such.

Also:

S. 892. Relating to all counties having a population of not less than 35,000 nor more than 38,000 according to the last or any subsequent federal decennial census, authorizing the county commission to set the number of working days for the county board of equalization and to set and pay a travel allowance to the members of the board.

Also:

S. 893. Relating to all counties having a population of not less than 35,000 nor more than 38,000 according to the last or any subsequent federal decennial census, authorizing the county commission to pay from the county general fund the employer's share of the social security tax for the member of the board of equalization.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 869. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation of the register of the circuit court in such counties.

Also:

S. 799. To give statutory recognition to the condominium form of ownership of real property in Barbour County and prescribe regulations therefor.

Also:

S. 823. To authorize the governing body of Barbour County to provide for the relief of Evelyn Herring for the damage to her automobile due to a defective county road.

Also:

S. 833. To provide additional compensation for each official court reporter of the Thirty-eighth Judicial Circuit.

Also:

S. 834. To establish in the Thirty-eighth Judicial Circuit the office of clerk-secretary to each circuit judge of said circuit; to prescribe the duties of said clerk-secretary, fix the term of office and prescribe the pay; and to provide for the payment of the salary of said clerk-secretary out of the general funds of the county comprising the Thirty-eighth Judicial Circuit.

Also:

S. 868. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation and expenses of the circuit clerk in such counties.

Also:

S. 836. To amend Act 249, S. 171, Regular Session 1973, which provides additional compensation for the official court reporters of the ninth judicial circuit, so as to change the method of payment.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 125. To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammel or similar type net in the waters impounded by Jordan Dam, Lay Dam, Mitchell Dam and Martin Dam and to prescribe penalties.

Also:

S. 515. To amend Section 88 of Act No. 414, S. 261, approved November 13, 1959 (General Acts of Alabama 1959, Vol 2, Page 1055) entitled "An Act to provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof; subject to the provisions of Section 100 of this Act, to repeal Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91

through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10 of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940." by adding pipeline companies to the corporations included in said Section 88.

Also:

S. 516. To amend Sections 71, 75, 76 and 82 of Title 10, Code of Alabama 1940, which provide for the exercise of the power of eminent domain by certain corporations and certain rights and limitations relating to such exercise of the power of eminent domain.

Also:

S. 642. To create, establish and empower The Ameraport Offshore Harbor and Terminal Commission, pending the approval of a bistate compact involving the participation of the States of Alabama and Mississippi, in the development of an offshore deep draft harbor and terminal for the purpose of loading and unloading cargoes of energy, in particular, petroleum of all kinds.

Also:

S. 658. To authorize the Governor on behalf of the State of Alabama to seek appointment of a referee by the U. S. Congress, for the purpose of executing a compact with the State of Mississippi. This compact to be for the purpose of promoting the development of a Deep Draft Harbor and Terminal to be located on the continental shelf of the United States, in the Gulf of Mexico.

Also:

S. 897. To provide for a stenographic secretary for the District Attorney of the Thirty-First Judicial Circuit.

Also:

S. 195. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of the reappraisal of property in that county required by Act No. 160 adopted at the 1971 Third Special Session of the Legislature; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of certain taxes and other revenues and funds; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; and to provide for the sharing of payment of the principal of and interest on such warrants by all entities receiving any part of the proceeds from ad valorem taxation of property in said county.

JOHN W. PEMBERTON,
Clerk.

RESOLUTION

Messrs. Branyon, Givhan, Noonan, Bailes, Baker, Carr, Clark, Cook, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Melton, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder, and Wilson offered the following Senate Resolution, to-wit:

S. R. 121. Commending Mrs. Evelyn Chalker Mizell for her long and faithful service as a member of the Staff of the Secretary of the Alabama State Senate, and wishing her happiness and good fortune in future years.

WHEREAS, Mrs. Evelyn Chalker Mizell, a valued and respected member of the Staff of the Secretary of the Alabama State Senate, has, regrettably made it known she intends to terminate her services with the Senate upon the completion of her duties with the present session of the Alabama Legislature; and

WHEREAS, Mrs. Mizell has aided the Alabama Senate during its regular and special sessions during the last twenty years and more by her faithful dedication to all of the many staff duties assigned her from time to time; and has always done so in a friendly, kind, helpful and efficient manner to all Senate members, from novice to veteran, irrespective of persons and politics; and

WHEREAS, Mrs. Mizell has handled the clerkship of many important and sensitive Committees of the Senate in a knowledgeable and skillful way; and during the present Senate quadrennium has been in direct charge of that portion of the Senate secretariat which includes the assignment of Committee Clerks and secretarial duties for and on behalf of members of the Senate; and, by her management and performance of such duty requirements with a keenly intelligent understanding of the technical problems often encountered by Senate members has materially aided us in the accomplishment of our legislative responsibilities; and, because Mrs. Mizell has always done things in a cheerful, accommodating way, we are indeed appreciative of her as a person and the capable manner she has responded to the often difficult and tardy requests frequently made of her. In short, we know the timely functioning of this Senate would often have been jeopardized without her ever ready assistance:

THEREFORE, BE IT RESOLVED BY THE SENATE OF ALABAMA ON THIS THE 14th DAY OF AUGUST, 1973; that we extend our sincere thanks, whole hearted appreciation, and commendation of and for the valuable and meritorious services Mrs. Evelyn Chalker Mizell has always rendered this legislative body and its members; and we regret future sessions of the Senate will not have the benefit of her experience, judgment and ever friendly nature to aid in the carrying out of their legislative duties; and we wish her happiness and good fortune in all the years to come.

BE IT FURTHER RESOLVED, That the Secretary of the Senate send a copy of this resolution to Mrs. Mizell.

On motion of Mr. Branyon, the Rules were suspended, and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 763. To provide an expense allowance for the District Attorney of the Thirty-eighth Judicial Circuit.

Also:

S. 764. To provide for an expense allowance for the Circuit Judge of the Thirty-eighth Judicial Circuit.

Also:

S. 762. To provide for an additional expense allowance for the District Attorney of the Ninth Judicial Circuit.

Also:

S. 761. To provide an additional expense allowance for the Circuit Judges of the Ninth Judicial Circuit.

Also:

S. 853. Creating the position of full time deputy district attorney for the eighth judicial circuit; providing compensation for such position.

Also:

S. 779. To authorize the district attorney of the Thirty-Eighth Judicial Circuit to appoint a part-time deputy district attorney, and to prescribe his duties; to fix his compensation and the manner of its payment.

Also:

S. 943. Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

Also:

S. 801. To amend further Act No. 242, H. 678, approved July 15, 1949, (Acts of Alabama 1949, page 361, as amended), which created and established the Court of Common Pleas of Lee County, by amending said Act to provide for a Small Claims Division of that Court.

Also:

S. 851. To make a conditional appropriation to the Special Mental Health Fund from the State General Fund for each of the two fiscal years ending September 30, 1974, and September 30, 1975.

Also:

S. 875. Relating to counties having a population of not less than 22,250 nor more than 23,000 according to the most recent federal decennial census; authorizing the District Attorney of such counties to appoint one Deputy District Attorney; providing for compensation.

Also:

S. 879. To establish in the Ninth Judicial Circuit the office of clerk-secretary to each of the two circuit judges of said circuit; to prescribe the duties of said clerk-secretary, fix the term of office and prescribe the pay; and to provide for the payment of the salary of said clerk-secretary out of the general funds of the counties comprising the Ninth Judicial Circuit.

Also:

S. 934. To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in counties having less than 16,350 nor more than 16,650 population according to the most recent Federal Decennial Census.

Also:

S. 938. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, abolishing the Board of Revenue, establishing in lieu thereof a commission and providing for election of a president and members of said commission for the nomination of members thereof from districts herein prescribed and to prescribe the functions, jurisdiction

tion, powers, and duties of such commission and the president and members thereof.

Also:

S. 940. Relating to Tuscaloosa County to amend Sections 7, 11, 22, 23, 25, and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pensions and Relief Fund for the City of Tuscaloosa, Alabama, changing the percentage composition of the fund, changing the percentage investments of the fund, prescribing limits for disability benefits and payments to dependents of members, and fixing the maximum monthly benefit for a fireman or policeman retiring on or after the effective date of this Amendatory Act.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1540. To further amend Section 1 of Act 384, Regular Session 1965, (Acts 1965, p. 517), to levy an excise tax on the storage, use or other consumption in this state of certain tangible personal property purchased at retail, in lieu of the state use tax levied by Code 1940, Title 51, Section 788, as amended, and to provide for the enforcement and collection of such tax.

Was read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Fine	King	Pierce	
Bailes	Foshee	Lindsey	Register	
Baker	Gilmore	Littleton	Shelby	
Branyon	Givhan	Lybrand	Vacca	
Carr	Harris	Malone	Weaver	
Clark	Hawkins	O'Bannon	Wilder	
Dozier	Horne	Owen	Wilson	
Edington	Jones	Pelham		—30

Nays:

—0

The Bill:

H. 1541. To further amend Section 1 of Act 383, H. 57, Regular Session 1965, (Acts 1965, p. 516), relating to the tax levied on farm machinery and equipment sold for agricultural purposes.

Was read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Fine	Lindsey	Pierce	
Baker	Foshee	Lybrand	Register	
Branyon	Gilmore	Malone	Shelby	
Carr	Givhan	Melton	Vacca	
Clark	Harris	Noonan	Weaver	
Cook	Horne	O'Bannon	Wilder	
Dozier	Jones	Owen	Wilson	

—31

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Reed (T):

H. 2258. To give statutory recognition to the condominium form of ownership of real property in all counties having a population of not less than 24,500 nor more than 25,000 inhabitants according to the most recent federal decennial census and prescribe regulations therefor.

Also:

By Messrs. Cottingham and Turner:

H. 2288. Authorizing the governing body of Dallas County to pay the members of the Board of Registrars additional compensation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF DALLAS

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL
TO BE ENTITLED
AN ACT

Authorizing the governing body of Dallas County to pay the members of the Board of Registrars additional compensation.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the Dallas County Board of Registrars shall receive in addition to all other compensation provided for by law, the sum of \$5.00 per day for each day's attendance upon sessions of the board; and it shall be payable from the general fund of said county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF DALLAS

Before me, the undersigned authority in and for said County in said State, this day personally appeared Henry H. Lloyd, who, being by me first duly sworn, deposes and says that during the times herein mentioned was Business Manager of the Selma Times-Journal, a newspaper

of general circulation published in Dallas County, Alabama, and that the attached notice was published in said newspaper once a week for 4 successive weeks, said notice having appeared in the issues of said paper on Aug. 2, Aug. 9, Aug. 16, and Aug. 23, all in the year 1973.

HENRY H. LLOYD

Sworn to and subscribed before me the 24th day of August, 1973.

JOSEPHINE K. TIPTON,
Notary Public.

Also:

By Mr. Gray (F):

H. 1452. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuskegee, Macon County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

A BILL
TO BE ENTITLED
AN ACT

STATE OF ALABAMA,
COUNTY OF MACON

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To alter, rearrange, and extend the boundary lines and corporate limits of the City of Tuskegee, Macon County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines and corporate limits of the City of Tuskegee in Macon County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the city, in addition to the area now embraced within the corporate limits of the city, the following described territory:

Area No. 1.

Beginning at the Southwest corner of Section 23, T-17-N, R-23-E in Macon County, Alabama, said point being an angle point in the existing boundary of the Corporate Limits of The City of Tuskegee, Alabama; thence North along the West line of said Section 23, and the West line of Section 14, T-17-N, R-23-E, 10,560 feet, more or less, to the Northwest corner of said Section 14; thence West along the South line of Section 10, T-17-N, R-23-E, 2,640 feet, more or less, to the Southwest corner of the East $\frac{1}{2}$ of said Section 10; thence North along the West line of the East $\frac{1}{2}$ of said Section 10, 5,280 feet, more or less, to the South line of Section 3, T-17-N, R-23-E; thence West along the South lines of Sections 3, 4, 5, and 6, T-17-N, R-23-E, 15,840 feet, more or less, to the Southwest corner of the East $\frac{1}{2}$ of said Section 6; thence North along the West line of the East $\frac{1}{2}$ of said Section 6 and the West line of the East $\frac{1}{2}$ of Section 31, T-18-N, R-23-E, 10,560 feet, more or less, to the Northwest corner of the East $\frac{1}{2}$ of said Section 31; thence East along the North lines of Sections 31, 32, and 33, 13,200 feet, more or less, to the Northeast corner of said Section 33; thence South along the East line of said Section 33, 2,975 feet, more or less to a point that is 600 feet, Northeasterly of, measured at right angles from,

the Northeasterly right-of-way line of Alabama Highway No. 199; then Southeasterly along a line that is parallel to and 600 feet, measured at right angles from, the said Northeasterly right-of-way line of said Alabama Highway No. 199, 3,910 feet, more or less, to the center of Uphabee Creek; thence meandering up the center of said Uphabee Creek in a generally Southeasterly direction 38,500 feet to the East line of Section 17, T-17-N, R-24-E; thence South along the East line of said Section 17, and Section 20, T-17-N, R-24-E, 1,240 feet, more or less, to the centerline of the Old Auburn Wire Road; thence Southwesterly along the centerline of said road 1,015 feet, more or less, to a point in the existing boundary of the Corporate Limits of the City of Tuskegee, Alabama; thence leaving said last mentioned road, North 18 degrees 30 minutes West 237 feet; thence South 69 degrees 30 minutes West 1,561 feet; thence South 89 degrees 30 minutes West 1,300 feet to the Centerline of Macon County Road No. 25; thence meander along the Centerline of Macon County Road No. 25 in a Northwesterly direction 8,243 feet to the intersection of the Centerline of Alabama Highway No. 81; thence North 4 degrees 00 minutes East along the Centerline of Alabama Highway No. 81, 830 feet to its intersection with the Centerline of Alabama Highway No. 199; thence North 56 degrees 00 minutes West along the Centerline of Alabama Highway No. 199, 500 feet; thence leaving said Highway, South 6 degrees 50 minutes West 7,125 feet; thence South 1,450 feet; thence West 6,270 feet more or less; thence South 1,925 feet, more or less; thence West 4,890 feet, more or less, to the point of beginning.

Area No. 2

Beginning at the Southeast corner of Section 3, T-16-N, R-23-E in Macon County, Alabama, said point being the Southwest corner of the existing Corporate Limits of the City of Tuskegee, Alabama; thence North, along the East line of said Section 3, said line also being the existing West Corporate Limits line, 2,750 feet to a point that is 600 feet Southeasterly of and at right angles to the Southerly right-of-way line of U. S. Highway No. 80, said point being the true point of beginning of the tract of land herein described; thence Southwesterly along a line that is parallel to and 600 feet at right angles from the said Southerly right-of-way line of said U. S. Highway No. 80, 12,740 feet, more or less, to the West line of Section 9, T-16-N, R-23-E; thence North along said Section line, 1,335 feet, more or less, to a point that is 600 feet Northwesterly of and at right angles to the Northerly right-of-way line of said U. S. Highway No. 80; thence Northeasterly along a line that is parallel to and 600 feet at right angles to the said Northerly right-of-way line of said U. S. Highway No. 80, 12,460 feet, more or less, to the said East line of Section 3, T-16-N, R-23-E and the said existing West Corporate Limits line; thence South, along said last mentioned line, 1,255 feet, more or less, to the true point of beginning.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA COUNTY OF MACON

Before me, the undersigned authority in and for said County in said State, this day personally appeared Neil O. Davis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was publisher of the Tuskegee News, a newspaper of general circulation published in Tuskegee at Macon County, Alabama, and that the attached notice was published in said newspaper once a week for

four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on May 24th, May 31st, June 7th, and June 14th, all in the year 1973.

NEIL O. DAVIS,
Publisher.

Sworn to and subscribed before me June 15th, 1973.

ALICE M. WHITE,
Notary Public.

Also:

By Mr. St. John:

H. 2289. To prohibit the hunting of wild deer with a rifle or carbine in the County of Cullman, and prescribing the penalty for such offense.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate standing committee, as follows:

H. B.'s 2258, 2288, 1452 and 2289. To the Committee on Local Legislation No. 1.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1150. To empower and authorize each corporation organized under the Alabama Non Profit Corporation Act (Acts of 1955, p. 1254, approved September 12, 1955) as amended, and each other corporation not of a business character organized under, or created by, any statute of the State of Alabama, to guarantee or stand surety for the obligations of another non profit corporation if the articles of incorporation of such corporation grant such power to it.

Was read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Gilmore	Lybrand	Shelby
Carr	Givhan	Malone	Vacca
Clark	Horne	Melton	Wilder
Cook	Jones	Noonan	Wilson
Dozier			

—28

Nays:

—0

The Bill:

H. 1211. To amend Section 33 of Act No. 100 enacted at the 1959 Second Special Session of the Legislature of Alabama, as heretofore amended, so as to exempt from the provisions of said Act, and from the computation of the amount of sales tax levied, assessed or payable thereunder, the gross proceeds from the sale of all devices, identifiable

parts of devices, systems or facilities used or placed in operation in the State of Alabama, or intended for use or operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the gross proceeds from the sale of all materials used in the State of Alabama, or intended for use in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 1211, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 1211

Amend Sub-section (n) of Section 1 of House Bill 1211 by striking said sub-section and inserting in lieu thereof the following Sub-section (n):

(n) The gross proceeds from the sale of all devices or facilities (and all identifiable components thereof or materials for use therein) acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution."

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Fine	Littleton	Pierce	
Baker	Foshee	Lybrand	Register	
Branyon	Gilmore	Malone	Vacca	
Carr	Givhan	Noonan	Weaver	
Cook	Hawkins	O'Bannon	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier	Jones			—29

Nays: —0

And said Bill, H. B. 1211, as thus amended, was then read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dozier	Littleton	Pierce	
Bailes	Edington	Lybrand	Register	
Baker	Fine	McLain	Shelby	
Branyon	Foshee	Malone	Vacca	
Carr	Givhan	Melton	Weaver	
Cook	Hawkins	Owen	Wilder	
Dominick	Lindsey	Pelham	Wilson	
				—27

Nays: —0

The Bill:

H. 1212. To amend Section 402 of Title 51 of the Code of Alabama of 1940, as heretofore amended, to provide for the allowance of a de-

duction, for Alabama corporate income tax purposes, for all amounts invested in devices, parts of devices, systems or facilities used or placed in operation in the State of Alabama, or to be used or placed in operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, to provide for, in lieu of such deduction, the amortization of all such amounts over such period (not exceeding the useful life of the devices, parts, systems or facilities for which such amounts were expended) as shall be specified in the tax return respecting the taxable year during which such amounts were expended and for appropriate deductions of the amounts so amortized, to provide that the taking of any such deductions shall be optional with the taxpayer, to provide that any such deduction, if taken, shall be in lieu of any other allowance for depreciation or obsolescence with respect to such devices, parts, systems or facilities, and to provide that none of such deductions shall be subject to any apportionment or allocation otherwise required and that all thereof shall be allowed in full.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 1212, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 1212

Amend Sub-section (12) of Section 1 of House Bill 1212 by striking said sub-section and inserting in lieu thereof the following Sub-section (12):

(12) All amounts invested during the taxable year in all devices, facilities or structures and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution; provided, however, that in lieu of deducting such amounts, the corporation may elect to amortize all such amounts over such period (not exceeding the useful life of devices, facilities or structures for which such amounts were expended) as it specifies in its tax return respecting the taxable year during which such amounts were expended, in which case it shall be entitled to appropriate deductions for the taxable years so specified; and provided further (a) that the taking of any deduction authorized by this sub-section (12) shall be optional with the corporation; and (b) that if any such deduction is taken with respect to such devices, facilities or structures, such corporation shall not be permitted any allowance for depreciation or obsolescence thereof otherwise allowable under this section.

Which was adopted.

Yeas 33; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Foshee	Lindsey	Pelham
Baker	Gilmore	Littleton	Pierce
Branyon	Givhan	Lybrand	Register
Carr	Harris	Malone	Shelby
Cook	Hawkins	Melton	Vacca
Dominick	Horne	Noonan	Wilder
Dozier	Jones	O'Bannon	Wilson
Edington			

—33

Nays:

—0

And said Bill, H. B. 1212, as thus amended, was then read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen
Bailes	Gilmore	Littleton	Pierce
Baker	Givhan	Lybrand	Register
Branyon	Harris	McLain	Shelby
Carr	Hawkins	Malone	Vacca
Clark	Horne	Melton	Weaver
Cook	Jones	Noonan	Wilder
Dominick	King	O'Bannon	Wilson
Edington			—32

Nays:

—0

The Bill:

H. 1213. To amend Section 789 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt, from the state use tax, the storage, use or consumption of any devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the storage, use or consumption of any materials used primarily for the protection of the public and the public interest through the control, reduction or elimination of air and water pollution.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 1213, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 1213

Amend Sub-section (r) of Section 1 of House Bill 1213 by striking said sub-section and inserting in lieu thereof the following Sub-section (r):

(r) The storage, use or consumption of all devices or facilities (and all identifiable components thereof or materials for use therein) used or placed in operation primarily for the control, reduction or elimination of air or water pollution, and the storage, use or consumption of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air or water pollution."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Owen
Bailes	Foshee	Lybrand	Pierce
Baker	Gilmore	McLain	Register
Branyon	Hawkins	Malone	Shelby
Carr	Horne	Melton	Vacca
Clark	Jones	Noonan	Wilder
Cook	King	O'Bannon	Wilson
Dominick			—28

Nays:

—0

And said Bill, H. B. 1213, as thus amended, was then read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pierce
Bailes	Gilmore	Lybrand	Register
Baker	Givhan	McLain	Shelby
Carr	Hawkins	Malone	Vacca
Clark	Horne	Melton	Weaver
Cook	Jones	Noonan	Wilder
Dominick	King	O'Bannon	Wilson
Fine	Landsey	Owen	—30

Nays:

—0

The Bill:

H. 1214. To amend Section 2 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt from ad valorem taxation all devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 1214, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 1214

Amend Sub-section (s) of Section 1 of House Bill 1214 by striking said sub-section and inserting in lieu thereof the following Sub-section (s):

(s) All devices, facilities or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution."

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	O'Bannon
Bailes	Fine	King	Owen
Baker	Foshee	Littleton	Register
Branyon	Gilmore	Lybrand	Shelby
Carr	Givhan	McLain	Vacca
Clark	Harris	Malone	Wilder
Cook	Hawkins	Melton	Wilson
Dominick	Horne	Noonan	—30

Nays:

—0

And said Bill, H. B. 1214, as thus amended, was then read a third time at length and passed.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Baker	Carr	Dominick
Bailes	Branyon	Cook	Dozier

Fine	Jones	Malone	Pierce	
Foshee	King	Melton	Register	
Gilmore	Littleton	Noonan	Vacca	
Givhan	Lybrand	O'Bannon	Wilder	
Hawkins	McLain	Owen	Wilson	
Horne				—28
Nays:				—0

The Bill:

H. 1215. To amend Section 25 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, from the assessed value of the shares of any Alabama corporation for the purpose of taxation of such shares, of the assessed value of all devices, identifiable parts of devices, systems and facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 1215, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 1215

Amend Sub-section (b) of Section 1 of House Bill 1215 by striking said sub-section and inserting in lieu thereof the following Sub-section (b):

(b) The book value of all devices, facilities or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution; and the value of residue remaining after deducting the assessed value of the real and personal property as finally determined and the assessed value of the aforesaid devices, facilities or structures shall constitute the assessment against the shares of such corporation, and such residue divided by the whole number of shares which constitute the assessment for each share of taxation.

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Littleton	Pelham	
Baker	Gilmore	Lybrand	Register	
Branyon	Givhan	McLain	Vacca	
Carr	Harris	Malone	Weaver	
Clark	Hawkins	Melton	Wilder	
Cook	Horne	Noonan	Wilson	
Dominick	King	O'Bannon		—30

Nays: —0

And said Bill, H. B. 1215, as thus amended, was then read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Baker	Carr	Cook
Bailes	Branyon	Clark	Dominick

Edington	Horne	McLain	Pierce	
Fine	Jones	Malone	Register	
Foshee	King	Melton	Shelby	
Gilmore	Lindsey	Noonan	Vacca	
Givhan	Littleton	O'Bannon	Weaver	
Harris	Lybrand	Owen	Wilson	
Hawkins				—32
<i>Nays:</i>				—0

The Bill:

H. 1216. To amend Section 348 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, for purposes of computing the franchise tax on foreign corporations, of all amounts invested in all devices, identifiable parts of devices, systems and facilities used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 1216, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 1216

Amend Sub-section D(2)(c) of Section 1 of House Bill 1216 by striking said sub-section and inserting in lieu thereof the following Sub-section D(2)(c):

(c) The amount invested by the taxpayer in all devices, facilities, or structures, and all identifiable components thereof or materials for use therein, acquired or constructed primarily for the control, reduction or elimination of air or water pollution.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Gilmore	Littleton	Pierce	
Baker	Givhan	Lybrand	Register	
Carr	Harris	McLain	Shelby	
Clark	Hawkins	Melton	Vacca	
Cook	Horne	Noonan	Weaver	
Dominick	Jones	Owen	Wilson	
Edington	King			—29
<i>Nays:</i>				—0

Mr. Gilmore offered the following amendment to the Bill, H. B. 1216, as amended, to-wit:

AMENDMENT TO HOUSE BILL 1216, AS AMENDED

Amend House Bill 1216 as follows:

Delete the following from Section 348 D.

(1) There shall be excluded from the amount of capital as determined in subsection B the amount invested by the taxpayer in the capital stock of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the state of Alabama, unless the taxpayer is a dealer in

stocks or securities and (2) there shall be deducted from the amount of capital employed in this state as determined in accordance with subsections B and C hereof, the following amounts: (a) The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law; (b) the amount invested by the taxpayer in bonds or other securities issued by the state of Alabama, or any county, municipality or other political subdivision of the state of Alabama, unless such corporation is a dealer in securities;

and insert in lieu thereof the following:

(1) There shall be excluded from the amount of capital as determined in subsection B the investment by the taxpayer in the capital of other corporations organized under the laws of Alabama, or under the laws of any other state if such other corporations also pay a franchise tax to the state of Alabama, unless the taxpayer is a dealer in stocks or securities and (2) there shall be deducted from the amount of capital employed in this state as determined in accordance with subsections B and C hereof, the following amounts: (a) The aggregate amount of loans of money made by the taxpayer in this state and which shall be secured by existing mortgage or mortgages to it on real estate in this state and upon which mortgage or mortgages there shall have been paid the recording privilege tax provided by law; (b) the amount invested by the taxpayer in bonds or other securities issued by the state of Alabama, or any county, municipality or other political subdivision of the state of Alabama, or any public corporation organized under the laws of the State of Alabama, unless such corporation is a dealer in securities;

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pierce	
Bailes	Foshee	Littleton	Register	
Baker	Gilmore	Lybrand	Shelby	
Branyon	Givhan	McLain	Vacca	
Clark	Hawkins	Melton	Weaver	
Cook	Horne	Noonan	Wilder	
Dominick	Jones	Owen	Wilson	
Dozier	King	Pelham		—30

Nays:

—0

And said Bill, H. B. 1216, as thus amended, was then read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Dozier	Lindsey	Pelham	
Bailes	Edington	Littleton	Pierce	
Baker	Fine	Lybrand	Register	
Branyon	Gilmore	McLain	Vacca	
Carr	Hawkins	Melton	Weaver	
Clark	Horne	Noonan	Wilder	
Cook	Jones	O'Bannon	Wilson	
Dominick	King	Owen		—30

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee on Conference on the House amendment to the bill:

S. 787. To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and to provide the means and manner for the payment of the same, so as to provide further for such compensation.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Hill, Coshatt and Reynolds.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 617. To amend Act No. 1260, Regular Session, 1971; to provide criminal penalties for willful or negligent violations of said act; to provide criminal penalties for knowingly making false statements, representations, or certifications in material filed or required to be maintained under said act, and for falsifying, tampering, or knowingly rendering inaccurate monitoring devices or methods required to be maintained under said act; and to provide an effective date.

was taken up.

Mr. Gilmore offered the following substitute for the Bill, H. B. 617, to-wit:

SUBSTITUTE FOR H. B. 617

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 1260, Regular Session, 1971; to provide criminal penalties for willful or gross negligent violations of said act; to provide criminal penalties for knowingly making false statements, representations, or certifications in material filed or required to be maintained under said act, and for falsifying, tampering, or knowingly rendering inaccurate monitoring devices or methods required to be maintained under said act; and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 1260, Regular Session, 1971, as amended by adding a new Section 4A, immediately after Section 4 of said Act No. 1260, as follows:

"Section 4A. Criminal Enforcement. (a) Any person who willfully or with gross negligence violates any provision of the Act, rule, regulation or standard adopted hereunder, or any permit condition or limitation in a permit issued hereunder, shall be punished by a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than one year, or by both. If the conviction is for a violation committed after a first conviction of such person under this subsection, punishment shall be by a fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or by both.

"(b) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other

document filed or required to be maintained under this Act or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Act, shall upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both."

"(c) For the purposes of this Section, the term "person" shall mean, in addition to the definition contained in Section 2 of this Act, any responsible corporate officer."

Section 2. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act is intended to supplement existing law, and no part hereof shall be construed to repeal any existing law.

Section 4. The provisions of this Act shall become effective upon its passage and approval by the Governor or upon it otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	O'Bannon
Bailes	Edington	King	Pelham
Baker	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Register
Carr	Gilmore	Lybrand	Shelby
Clark	Givhan	Melton	Wilder
Dominick	Horne	Noonan	Wilson

—27

Nays:

—0

And said Bill, H. B. 617, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen
Bailes	Edington	King	Pelham
Baker	Fine	Lindsey	Pierce
Branyon	Foshee	Littleton	Register
Carr	Gilmore	Lybrand	Shelby
Clark	Harris	McLain	Weaver
Cook	Hawkins	Noonan	Wilder
Dominick	Horne	O'Bannon	Wilson

—31

Nays:

—0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to

appointments on the Alabama Mental Health Board.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary

September 13, 1973.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I have appointed the following named persons as members of the Alabama Mental Health Board:

Hon. Mark Ezell, Butler, Alabama. From the 1st Congressional District—succeeding Doctor Paul Jones, effective September 30, 1973—for the term expiring September 30, 1979.

Dr. Patrick H. Linton, Birmingham, Alabama. From the 6th Congressional District—succeeding Doctor Claude L. Brown—for the term expiring September 30, 1977.

Dr. John A. Martin, Montgomery, Alabama. From the 2nd Congressional District—reappointment—for the term expiring September 30, 1976.

Dr. Robert Parker, Montgomery, Alabama. From the 2nd Congressional District — reappointment effective September 30, 1973—for the term expiring September 30, 1979.

As these appointments must be confirmed by your Body, I am transmitting them to you for such action as you may deem right and proper.

Respectfully,

GEORGE C. WALLACE
Governor

September 13, 1973.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Alabama Mental Health Board, was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Clark offered the following Motion in Writing, to-wit:

"I move that the Senate request the return from the House, for further consideration, H. B. 263."

On motion of Mr. Clark, said Motion in Writing was adopted by the Senate.

MOTION IN WRITING

Mr. Carr offered the following motion in writing:

"I move that the Senate request the return from the House, for further consideration, H. B. 200."

Which was read and referred to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 342. To make an appropriation to the Governor's Mansion Advisory Board for the renovation, restoration, refurbishing and refurnishing of the Governor's Mansion.

was taken up.

Mr. Dominick offered the following substitute for the Bill, H. B. 342, to-wit:

SUBSTITUTE FOR H. B. 342

A BILL
TO BE ENTITLED
AN ACT

To make appropriations for the renovation, restoration, refurbishing and refurnishing of certain state buildings.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated out of any funds of the State Treasury, not otherwise appropriated, the sum of \$200,000.00 to be used by the Governor's Mansion Advisory Board for the renovation, restoration, refurbishing and refurnishing of the Governor's Mansion.

Section 2. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, to be used by the State Building Commission upon the approval of the State Capitol Preservation Commission the following monies:

For the fiscal year ending
September 1, 1974:

To restore the Senate and House Chambers to approximately their original condition	\$ 45,352.00
To provide for and improve the House and Senate sound and voting systems	72,800.00
To restore the galleries in the House and Senate Chambers and correct their structural deflections	16,195.00
To construct stairways and elevators to link all floors in wings of Capitol Building	84,000.00
To renovate and improve the third floor attic spaces above the House and Senate clerical areas in order to create new committee rooms, clerical space and individual offices	403,200.00
To renovate the mechanical and electrical systems in the Capitol building, including the construction of new underground mechanical equipment rooms and the expansion of the existing plant	840,000.00
To provide for miscellaneous architectural accommodations necessitated by mechanical and electrical systems renovation in Capitol building	183,439.00
To provide new interior building lighting system for Capitol building, including restoration of original fixtures	123,200.00

The appropriations made in this section shall be paid from the State General Fund, conditional upon the condition of the Fund and with the approval of the Governor.

Section 3. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of \$50,000.00 to be used by the State Building Commission to renovate and restore the White House of Confederacy in Montgomery.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Edington	Jones	O'Bannon	
Bailes	Fine	King	Owen	
Baker	Foshee	Lindsey	Pelham	
Branyon	Gilmore	Littleton	Pierce	
Carr	Givhan	Lybrand	Register	
Clark	Harris	McLain	Vacca	
Cook	Hawkins	Malone	Wilder	
Dominick	Horne	Noonan	Wilson	
				—31

Nays:

—0

And said Bill, H. B. 342, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 32; Nays 1.

Yeas:

Messrs.:	Foshee	Lindsey	Owen	
Bailes	Gilmore	Littleton	Pelham	
Baker	Givhan	Lybrand	Pierce	
Branyon	Harris	McLain	Register	
Carr	Hawkins	Malone	Shelby	
Cook	Horne	Melton	Vacca	
Dominick	Jones	Noonan	Wilder	
Dozier	King	O'Bannon	Wilson	
Edington				—32

Nay: Mr. Fine

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 427. To amend Section 1 of Act No. 470, S. B. 182, Regular Session 1969, (Acts 1969, v. 1, p. 912), which Act relates to the per diem travel allowance of state officers and employees traveling on official business for the state, so as to increase the maximum amount allowed each such person.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Senate concurred in and adopted the following House amendment to the bill, S. B. 427, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. 427

A BILL
TO BE ENTITLED
AN ACT

To amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session (Acts of 1969, p. 912), entitled "An Act To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to raise the amount provided for in said sections.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 1 and 3 Act No. 470, S. 182, 1969 Regular Session (Acts of 1969, p. 912), are amended to read as follows:

"Section 1. The maximum amount allowable to a person traveling inside the State of Alabama in the service of the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies, for expenses other than transportation shall be fixed by the Governor at not more than twenty dollars per day, and such maximum or limit when fixed from time to time shall be uniform in operation as to all persons traveling within the State on official business.

"No travel allowance shall be paid for a trip of less than six hours' duration. For travel which does not require an overnight stay, the traveler shall be paid a meal allowance of three dollars and fifty cents for a trip of from six to twelve hours' duration and for travel in excess of twelve hours duration the traveler shall be paid one such meal allowance and one-fourth of the per diem allowance.

"The per diem allowance provided for in this section shall not be paid to an employee stationed at the same place in the State for a period in excess of two consecutive months; after two consecutive months the amount of the allowance shall be reduced to thirteen dollars per day, provided, however, that the provisions of this section shall not apply to officers and employees of the State of Alabama when they incur expenses representing the State of Alabama in the encouragement and promotion of trade or industrial development and on such occasions, when such representation is properly approved, such persons shall be reimbursed for the actual expenses incurred and paid by them; provided further that such representation must be approved in advance in writing by the Governor or by the Director of Finance when so designated by the Governor; nor shall the provisions of this section apply to examiners or other persons designated by the Superintendent of Insurance to examine or cause to be examined the domestic insurance corporations qualified in this state when the expense incurred by such persons shall be paid by or collected or received from such corporations examined under the provision of Title 28, Section 54 (1)."

"Section 3. Persons traveling on official business for the state or any of its departments, institutions, boards, bureaus, commissions, councils, committees, or other like agencies in privately owned vehicles shall receive twelve cents per mile in lieu of their actual expenses for transportation."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Pelham	
Bailes	Fine	King	Pierce	
Branyon	Foshee	Littleton	Register	
Carr	Gilmore	Lybrand	Shelby	
Clark	Givhan	McLain	Wilder	
Cook	Hawkins	Noonan	Wilson	
Dominick	Horne	O'Bannon		—26

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 396. To amend Section 85 of Title 2, Code of Alabama, 1940, as last amended, relating to incorporated marketing associations so as to expressly include persons engaged in fishing activities and the harvesting of aquatic products within its provisions.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pelham, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 396, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR SENATE BILL NO. 396

A BILL TO BE ENTITLED AN ACT

To amend Sections 85 and 130 of Title 2 of the Code of Alabama of 1940 relating to incorporated agricultural cooperative marketing associations so as to expressly include persons engaged in fishing activities and the harvesting of aquatic and seafood products within its provisions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 85 of Title 2, Code of Alabama of 1940, relating to incorporated agricultural cooperative marketing associations is hereby amended to read as follows:

"Section 85. Definitions of Terms. — The following definitions of words and phrases shall be applied to the construction of this article: The term "agricultural products" shall include horticultural, viticultural, forestry, dairy, live stock, poultry, bee, fish, aquatic and seafood products, and any farm products; the term "member" shall include actual members of associations without capital stock and holders of common stock in organizations organized with capital stock; the term "association" means any corporation organized under this subdivision and the

term "person" shall include individuals, firms, partnerships and associations. The term "production of agricultural products" shall include fishing activities and the harvesting of aquatic and seafood products as well as the production of other agricultural or farm products as hereinabove defined."

Section 2. Section 130 of Title 2, Code of Alabama of 1940, relating to incorporated agricultural cooperative marketing associations is hereby amended to read as follows:

"Section 130. Definitions. — "Producers of agricultural products" herein mentioned shall include individual persons, partnerships, associations and corporations who produce such products either directly or as landlords, tenant or share-cropper. "Agricultural products" as herein defined shall include the products of field, pasture, meadow and garden, and fruits, melons, berries, nuts and vegetables, live stock, poultry and poultry products, dairy products, fish, aquatic and seafood products and all other things commonly known as agricultural products."

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Littleton	Pelham	
Baker	Givhan	Lybrand	Register	
Branyon	Hawkins	McLain	Shelby	
Carr	Horne	Melton	Wilder	
Dominick	Jones	O'Bannon		—22

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 312. To provide for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, and fostering of off-street automobile parking facilities in the City of Fairhope; authorizing the city council to create a parking authority or parking committee, and providing for its membership, authority and duties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 312, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 312

Strike Section 13 and insert in lieu thereof the following:

Section 13. This act shall become effective upon approval by a majority of the qualified electors of the City of Fairhope who vote at a ref-

erendum to be held on the first Tuesday after the expiration of three months from the final adjournment of the current session of the legislature.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen	
Bailes	Fine	Lindsey	Pelham	
Branyon	Foshee	Lybrand	Register	
Carr	Givhan	McLain	Vacca	
Clark	Harris	Melton	Weaver	
Cook	Horne	Noonan	Wilson	
Dozier	Jones			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 890. Relating to counties having a population of 600,000 or more inhabitants according to the most recent Federal decennial census; providing for the establishment of a county compensation commission and to provide for the make up of the commission and to subscribe the duties of the commission.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 890, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 890

Amend Section 1 of Senate Bill 890 by deleting the word and figure "5" and substituting therefor the word and figure "7".

Amend Section 3 of Senate Bill 890 by inserting after the word "two" the figure "(2)".

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Register	
Bailes	Gilmore	McLain	Shelby	
Branyon	Harris	Melton	Vacca	
Carr	Hawkins	Noonan	Weaver	
Cook	Jones	O'Bannon	Wilder	
Dominick	King	Pelham	Wilson	
Edington	Lindsey			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has

passed the following Senate bill and returns same herewith to the Senate:

S. 826. Relating to Dale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes and for the collection of delinquent privilege license fees under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor, tax collector and license inspector in Dale County, providing for the duties of the office of license inspector of Dale County temporarily to be performed by the tax collector of Dale County and thereafter to be performed by the county revenue commissioner created by this Act; repealing conflicting laws; and prescribing the effective date of this Act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Register, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 826, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SENATE BILL 826

In Section 1, as amended, in the first sentence thereof, strike out the words and figures: "the first Monday after the second Tuesday in January 1979," and insert in lieu thereof the following: October 1, 1979.

Also in the last sentence in said Section 1 strike out the words and figures, "first Monday after the second Tuesday in January," and insert in lieu thereof the following: first day of October.

Also in Section 7, as amended, in the first sentence thereof strike out the words and figures, "the first Monday after the second Tuesday in January 1979," and insert in lieu thereof: October 1, 1979.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Owen
Bailes	Gilmore	Littleton	Pelham
Baker	Givhan	Lybrand	Register
Branyon	Hawkins	Malone	Vacca
Cook	Horne	Melton	Wilder
Dozier	Jones	Noonan	Wilson
Edington	King		

—25

Nays:

—0

RESOLUTION

Mr. Weaver offered the following Senate Joint Resolution, to-wit:

S. J. R. 122. Commending Mr. Otis R. Burton, upon his retirement as Tax Collector of Talladega County.

WHEREAS, Mr. Otis R. Burton is retiring as Tax Collector of Talladega County after 30 years of distinguished service to that office; and

WHEREAS, Mr. Burton has lived in the City of Talladega for most of his life, and is a member and deacon of the First Baptist Church of Talladega; and

WHEREAS, Mr. Burton is a veteran of World War I and active in the American Legion; and

WHEREAS, Mr. Burton is a Shriner and a Thirty-Second Degree Mason and a member of the Kiwanis Club; and

WHEREAS, Mr. Burton is the father of Mr. Otis R. Burton, Jr., and the proud grandfather of three fine grandchildren; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it does heartily commend Mr. Otis R. Burton for his service as Tax Collector of Talladega County and wishes him a most successful and happy retirement from that office.

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall send a copy of this resolution to Mr. Otis R. Burton.

On motion of Mr. Weaver, the Rules were suspended, and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 881. Applicable to any city having a population of not less than 7,750 nor more than 7,825 according to the most recent federal decennial census; to provide an expense allowance to the mayor of any such city.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 881, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 881

A BILL TO BE ENTITLED AN ACT

Applicable to any city having a population of not less than 7,750 nor more than 7,825 according to the most recent federal decennial census; to provide an expense allowance to the mayor and to each member of the city governing body of any such city.

Be It Enacted by the Legislature of Alabama:

Section 1. The mayor of any city, having a population of not less than 7,750 nor more than 7,825 according to the most recent federal decennial census, shall receive an expense allowance of \$400 per month, and each member of the governing body of such cities shall receive an expense allowance of \$100 per month; such expense allowances shall be paid from the city general fund in the same manner as the salary of such mayor and members of the city governing body are paid, and shall be in addition to any other salary, expense, or allowance provided such mayor and city governing body members.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Gilmore	Lybrand	Register	
Baker	Givhan	McLain	Shelby	
Carr	Harris	Melton	Vacca	
Clark	Hawkins	Noonan	Wilder	
Dominick	Jones	Owen	Wilson	
Dozier	King			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 831. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; providing for the creation, establishment, operation, management and purchase of equipment of and for an animal shelter in such counties and for the appointment of a humane officer and necessary assistants.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Malone, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 831, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 831

Amend Sections 2, 3 and 4 of Senate Bill 831 by adding the words "or other like society, group or association" immediately after the words "the Society for the Prevention of Cruelty to Animals" each time said words appear in said sections.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Baker	Gilmore	Lybrand	Shelby	
Carr	Givhan	Malone	Vacca	
Clark	Harris	Noonan	Wilder	
Cook	Horne	O'Bannon	Wilson	
Dozier	Jones			—25

Nays: —0

MOTION IN WRITING

Mr. Bailes offered the following Motion in Writing, to-wit:

"Having voted on the prevailing side on H. B. 1887, I move that this bill now be reconsidered."

On motion of Mr. Branyon, said Motion in Writing was laid on the table.

Yeas 14; Nays 10.

Yeas:

Messrs.:	Foshee	Lindsey	Owen	
Branyon	Givhan	Littleton	Weaver	
Clark	Harris	Lybrand	Wilson	
Fine	Hawkins	McLain		—14

Nays:

Messrs.:	Dominick	Gilmore	Vacca	
Bailes	Dozier	Malone	Wilder	
Carr	Edington	Pierce		—10

BILLS ON THIRD READING RESUMED

The Bill:

H. 3. To amend Section 1 of Act No. 2128, S. 5, 1971 Regular Session approved September 20, 1971, entitled "To provide sales and use tax exemptions for certain medicines purchased by prescription," so as to extend the tax exemption to persons who are retired due to permanent and total disability, regardless of age, and to give the Commissioner of the State Department of Revenue certain duties and powers in connection therewith.

Was read a third time at length and passed.

Yeas 27; Nays 0.

Yeas.

Messrs.:	Dozier	Horne	Owen	
Bailes	Fine	Littleton	Pelham	
Baker	Foshee	Lybrand	Pierce	
Branyon	Gilmore	McLain	Shelby	
Carr	Givhan	Malone	Vacca	
Cook	Harris	Melton	Wilder	
Dominick	Hawkins	Noonan	Wilson	—27

Nays:

—0

The Bill:

H. 4. To amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from State ad valorem taxes, so as to provide additional exemptions for persons who are retired due to permanent and total disability, regardless of age, and to give the State Commissioner of Revenue certain powers and duties in connection therewith.

Was read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Carr	Edington	Givhan
Bailes	Clark	Fine	Harris
Baker	Cook	Foshee	Hawkins
Branyon	Dominick	Gilmore	Horne

Jones	McLain	O'Bannon	Shelby	
King	Malone	Owen	Vacca	
Lindsey	Melton	Pelham	Wilder	
Littleton	Noonan	Pierce	Wilson	
Lybrand				—32
<i>Nays:</i>				—0

The Bill:

H. 1409. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of acquiring and providing water works systems; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the revenues from any such system or the proceeds from certain taxes, or both such revenues and taxes; to specify the effect and priority of any such pledges; and to authorize the refunding of any such warrants.

Was read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pelham	
Bailes	Givhan	McLain	Pierce	
Baker	Hawkins	Malone	Register	
Branyon	Horne	Melton	Shelby	
Carr	Jones	Noonan	Weaver	
Clark	King	O'Bannon	Wilder	
Cook	Lindsey	Owen	Wilson	
Fine				—29
<i>Nays:</i>				—0

UNFINISHED BUSINESS

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, the first item of which was the Bill:

H. 1284. To provide for the uniform minimum compensation for all deputy sheriffs in every county in the State of Alabama.

as amended, which said amendments are set out in the Journal of the Senate for the Thirty-Fifth Legislative Day.

Mr. Wilder offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. B. 1284, AS AMENDED

Strike out Section 1 of the bill and insert in lieu thereof the following:

Section 1. The compensation of all deputy sheriffs in the various counties of the State of Alabama shall be not less than \$600.00 per month, provided, however that the compensation of the Chief Deputy Sheriff in each county shall be not less than \$700.00 per month.

Also, strike out in its entirety Section 3 of the bill and renumber the remaining sections.

Mr. Fine moved that said amendment be laid on the table, which motion was lost.

Yeas 14; Nays 18.

Yeas:

Messrs.:	Hawkins	Lybrand	O'Bannon	
Clark	Horne	McLain	Owen	
Fine	Lindsey	Malone	Shelby	
Givhan	Littleton	Melton		—14

Nays:

Messrs.:	Dominick	Jones	Register	
Bailes	Dozier	King	Vacca	
Baker	Foshee	Noonan	Weaver	
Branyon	Gilmore	Pelham	Wilder	
Carr	Harris	Pierce		—18

And said amendment to the Bill, H. B. 1284, as amended, was then adopted by the Senate.

Yeas 19; Nays 12.

Yeas:

Messrs.:	Cook	Harris	Pierce	
Bailes	Dominick	Hawkins	Register	
Baker	Dozier	Jones	Vacca	
Branyon	Foshee	King	Weaver	
Carr	Gilmore	Pelham	Wilder	—19

Nays:

Messrs.:	Lindsey	McLain	Owen	
Clark	Littleton	Malone	Shelby	
Fine	Lybrand	Melton	Wilson	
Horne				—12

Mr. Foshee then offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. 1284, AS AMENDED

Strike out Section 3 as last amended, and insert in lieu thereof the following:

Section 3. No county shall reduce the number of Deputy Sheriffs employed in such county to less than the number of Deputy Sheriffs employed by such county on the date this Act becomes law solely because of the provisions of this Act. This Act shall not apply in any county that does not employ one or more Deputy Sheriffs on the date this Act becomes law.

Mr. Wilder moved that said amendment be laid on the table, which motion was lost.

Yeas 12; Nays 17.

Yeas:

Messrs.:	Dominick	King	Register	
Bailes	Gilmore	Pelham	Wilder	
Branyon	Jones	Pierce	Wilson	
				—12

Nays:

Messrs.:	Foshee	Littleton	Melton
Baker	Givhan	Lybrand	O'Bannon
Clark	Hawkins	McLain	Owen
Cook	Horne	Malone	Shelby
Fine	Lindsey		

—17

And said amendment was then lost.

Mr. Pierce then offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. B. 1284, AS AMENDED

Amend the title of said H. B. 1284 by deleting the words "every county" and substitute in lieu thereof the words "certain counties";

Also, further amend said H. B. 1284 in Section 1 of the bill by adding immediately before the first word thereof the following:

"Except in counties where salaries of deputy sheriffs are fixed and controlled by a merit system or Civil Service Boards."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pelham
Bailes	Gilmore	Lybrand	Pierce
Carr	Givhan	McLain	Register
Clark	Harris	Malone	Weaver
Dominick	Hawkins	Melton	Wilder
Dozier	Jones	Owen	Wilson
Edington	King		

—25

Nays:

—0

Mr. Littleton then offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. B. 1284, AS AMENDED

Further amend H. B. 1284 by adding at the end of Section 2 the following:

"That any Sheriff that now has a deputy pay bill will have 30 days to make an irrevocable choice of which pay bill to come under by advising said county commission."

Which was adopted.

Yeas 28; Nays 2.

Yeas:

Messrs.:	Foshee	Littleton	Pelham
Bailes	Gilmore	Lybrand	Pierce
Carr	Givhan	McLain	Register
Clark	Harris	Malone	Shelby
Cook	Horne	Melton	Vacca
Dozier	Jones	Noonan	Wilder
Edington	King	Owen	Wilson
Fine			

—28

Nays: Messrs. Baker, Lindsey

—2

Mr. Fine then offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. 1284, AS AMENDED

Strike out Section 3 as last amended, and insert in lieu thereof the following:

Section 3. No county shall reduce the number of Deputy Sheriffs employed in such county to less than the number of Deputy Sheriffs employed by such county on the date this Act becomes law solely because of the provisions of this Act. This Act shall not apply in any county that does not employ one or more Deputy Sheriffs on the date this Act becomes law.

Mr. Wilder moved that said amendment be laid on the table, which resulted in a tie vote.

Yeas 15; Nays 15.

Yeas:

Messrs.:	Dominick	Harris	Pierce
Bailes	Dozier	Hawkins	Register
Branyon	Foshee	Jones	Vacca
Carr	Gilmore	King	Wilder

—15

Nays:

Messrs.:	Givhan	Lybrand	O'Bannon
Baker	Horne	McLain	Owen
Clark	Lindsey	Malone	Shelby
Fine	Littleton	Melton	Wilson

—15

The President and Presiding Officer of the Senate voted "Nay"; therefore, the motion to table was lost.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 311. To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Noonan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 311, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 311

A BILL
TO BE ENTITLED
AN ACT

To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and

authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. Purpose. The purpose of this Act is to promote, improve and safeguard the lands and waters located in the coastal areas of this state through a comprehensive and cooperative program designed to preserve, enhance and develop such valuable resources for the present and future well-being and general welfare of the citizens of this state. In promulgating such a program, the Legislature of Alabama recognizes and declares that:

a. The coastal area is rich in a variety of natural, commercial, recreational, industrial, and aesthetic resources of immediate and potential value to the present and future well-being of the state.

b. There are increasing and competing demands upon the lands and waters of the coastal area occasioned by population growth and economic development, including requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources.

c. The coastal area, and the fish, shellfish, other living marine resources, and wildlife therein, are ecologically fragile and consequently extremely vulnerable to destruction by man's alterations.

d. Important ecological, cultural, historic and aesthetic values in the coastal area are essential to the well-being of all citizens.

e. Special natural and scenic characteristics may be damaged by ill-planned development.

f. There is a state interest in the effective administration, beneficial use, protection, and development of the coastal area.

g. In light of competing demands and the urgent need to balance development for the preservation of the natural systems in the coastal area, the key to more effective protection and use of land and water resources of the coastal area is to encourage the state to exercise its authority for improved and better methods of utilizing the lands and waters in the coastal area by developing, in cooperation with counties and municipalities and other vitally affected interests, land and water use programs for the coastal area, including unified policies, criteria, standards, methods, and processes for dealing with land and water use.

Section 2. State Policy. The Legislature finds and declares that it is State policy:

a. To preserve, protect, develop, and where possible, to restore or enhance, the resources of the state's coastal area for this and succeeding generations;

b. To encourage and assist counties and municipalities to exercise effectively their responsibilities in the coastal area through the development and implementation of administration programs to achieve wise use of the land and water resources of the coastal area giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development.

c. To assure that in development of the state's coastal area adequate consideration is given to such uses of the coastal area as the establishment of harbor facilities for the receiving of oil, gas and other commodi-

ties from ships and tankers; pipelines from such ports; and utility plant sites, utility generation, transmission, distribution, and transportation facilities;

d. To urge that all state agencies engaged in programs affecting the coastal area cooperate and participate with local governments and regional agencies in effectuating the purposes of this Act; and

e. To encourage the participating of the public, of federal, state, and local governments and of regional agencies in the development of coastal area administration programs. With respect to implementation of such administration programs, it is the state policy to encourage cooperation among the various state and regional agencies including establishment of interstate and regional agreements, cooperative procedures and joint action particularly regarding environmental problems.

Section 3. Definitions. The following terms, whenever used in this Act, shall have the following respective meanings unless the context thereof clearly indicates otherwise:

a. "Coastal area" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder) strongly influenced by each and in proximity to the shorelines of Alabama, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The area extends seaward to the outer limit of the United States territorial sea and extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters.

b. "Coastal waters" means those waters, adjacent to the shoreline, which contain a measurable quantity or percentage of sea water, including but not limited to, sounds, bays, lagoons, bayous, ponds and estuaries.

c. "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage.

d. "Estuarine sanctuary" means a research area which may include any part or all of an estuary, adjoining transitional areas, and adjacent uplands, constituting to the extent feasible, a natural unit, set aside to provide scientists and students the opportunity to examine over a period of time the ecological relationships within the area.

e. "Administration Program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other media of communication, prepared and adopted by the state in accordance with the provisions of this Act, setting forth objectives, policies and standards to guide public and private users of lands and waters in the coastal area.

f. "Water use" means activities which are conducted in or on the water, but does not mean or include the establishment of any water quality standard or criteria or the regulation of the discharge or runoff of water pollutants except the standards, criteria, or regulations which are incorporated in any program as required by the provisions of this Act.

g. "Regulated activity" means any of the following activities: the dredging, excavating or removing of soil, mud, sand, gravel, flora, fauna or aggregate of any kind from any coastal area; the dumping, filling or depositing of any soil, stones, sand, gravel, mud, aggregate of any kind or garbage, either directly or indirectly, on or in any coastal areas;

killing or materially damaging any flora or fauna on or in any coastal area; and the creation on coastal areas of structures which materially affect the ebb and flow of the tide.

h. "Dredging" means the removal or displacement by any means of soil, sand, gravel, shells or other material, whether of intrinsic value or not, from coastal areas.

i. "Filling" means either the displacement of waters by the depositing into coastal areas of soil, sand, gravel, shells or other material; or the artificial alteration of water levels or water currents by physical structures, drainage ditches or otherwise.

j. "Board" means the board established under this Act.

Section 4. This act shall not apply to the following activities, areas and entities:

a. The accomplishment of emergency decrees of any duly appointed health officer of a county or municipality or of the state, acting to protect the public health and safety;

b. The conservation, repletion and research activities of the Marine Environmental Sciences Consortium, the Marine Resources Division of the Department of Conservation and Natural Resources and the Mississippi-Alabama Sea Grant Consortium;

c. Hunting, erecting duckblinds, fishing, shellfishing and trapping when and where otherwise permitted by law;

d. Swimming, hiking, boating or other recreation that causes no material harm to the flora and fauna of the areas;

e. The exercise of riparian rights by the owner of the riparian rights, provided that the construction and maintenance of piers, boat-houses and similar structures are constructed on pilings that permit a reasonably unobstructed ebb and flow of the tide; provided, further, that the riparian owner may reasonably alter the wetland at the end of his pier in order to allow docking of his vessels, if the end of his pier is at the edge of marsh grass abutting his property;

f. The normal maintenance and repair of bulkheads, piers, roads and highways existing on the date of enactment of this act, and all interstate highways planned but not yet under construction;

g. Work for the maintenance, repair, renewal, improvement or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure;

h. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.

i. All areas developed in the future by federal, state or county governments for the establishment of a superport or a pipeline buoy terminal for deep-draft, ocean-going vessels where regulated by federal or state agencies in a manner consistent with the purposes of this act.

j. Any activity affecting an area that is associated with or is necessary for the exploration, production or transportation of oil or gas when such activity is conducted, in a manner consistent with the purposes of this act, under a current and valid permit granted by a duly constituted agency of the State of Alabama;

k. Normal maintenance and repair activities of any utility or other person engaged in telephone communication service or in the distribution or transmission of gas, electricity or water or the collection of sewage,

including inspecting, maintaining, repairing, or renewing on private or public rights of way any sewers, mains, conduits, pipes, cables, utility tunnels, power lines, towers, poles, tracks or the like, or making service connections thereto, or inspecting, maintaining, repairing, or renewing any substation, pumping or lifting facility.

1. Activities of any mosquito control commission which is a political subdivision or agency of the State of Alabama;

Section 5. Composition, Appointments, Meetings and Functions of Board. There is hereby created the Alabama Coastal Area Board composed of eight members as set forth hereinafter:

a. Members of the Board shall consist of: The Director of the Alabama Development Office, the Director of the Alabama Department of Conservation and Natural Resources, the Director of the Alabama State Docks, a member of the Mobile City Commission, a member of the Baldwin County Commission, a member of the Mobile County Commission, the State Geologist, the Director of the Marine Environmental Sciences Consortium. The term of office of each Board member shall be consistent with his elective or appointed office. The member from the Mobile City Commission and the Baldwin and Mobile County Commissions shall be elected by the membership of their respective commissions. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. All members shall be eligible for reappointment.

b. The Governor shall appoint one member from the above designated Board as Chairman to serve at the will of the Governor. The Chairman shall designate from time to time any other member as acting chairman to serve during his absence. A quorum for the transaction of business shall consist of at least five members. The Board shall have an official seal which shall be judicially noticed.

c. Members shall receive no additional compensation for serving on the Board, but shall be reimbursed for expenses of travel and subsistence in the discharge of their official duties at the rate provided by law.

d. The Board shall meet quarterly, and shall meet in special sessions as occasion demands upon the call of the Chairman. All meetings shall be open to the public and an accurate record of all proceedings shall be kept and made available for public inspection. All members shall be voting members.

e. The Board shall employ the services of the Alabama Development Office, to provide and administer the staff activities and technical functions of the Coastal Area Act.

f. The Alabama Development Office shall have the authority to solicit, accept and expend funds from the State, the United States, and from any other source, to carry out the provisions, purposes and policies of this Act.

g. The Board shall coordinate activities and plans of all existing interests, other State governments, local governments, regional planning agencies, interstate compacts and commissions, and federal agencies which have programs relevant to the coastal area.

h. The Board shall promulgate such regulations as are necessary for the effective administration of this Act and will begin the enforcement of these provisions upon the completion of the required regulations and upon their becoming effective pursuant to approval by the Board.

i. When necessary to achieve conformance with the management program provided for in Section 6 of this act, the Board shall have the

power to acquire fee simple and less than fee simple interests in land, water and other property under the procedures of Title 19, Code of Alabama, or other means.

j. The following State agencies shall act in an advisory capacity to the Board:

- (1) State Health Department
- (2) Water Improvement Commission
- (3) Alabama Highway Department
- (4) Department of Agriculture and Industries
- (5) Alabama Public Service Commission
- (6) State Oil and Gas Board
- (7) Air Pollution Commission

Section 6. Development of Program by Board. The Board shall provide for the development of a comprehensive coastal area administration program in recognition of the national policy expressed in the Coastal Zone Management Act of 1972, Public Law 92-583. The program shall be prepared in cooperation with local, regional, state and federal interests and shall comply with federal rules, etc., for coastal area planning and administration. The program should include at least the following:

- a. Identification of the boundaries of the Coastal Area subject to the program;
- b. Identification of all of the state's coastal resources;
- c. Evaluation of these resources in terms of their quality, quantity, and capability for the use both now and in the future;
- d. Determination of the present and potential uses and the present and potential conflicts in the uses of each coastal resource;
- e. A definition of what shall constitute permissible land and water uses within the coastal area which have a direct and significant impact on the coastal waters;
- f. An inventory and designation of areas of particular concern within the coastal area;
- g. Broad guidelines on priority of uses in particular areas;
- h. Provision for adequate consideration of the local, regional, State and national interest involved in the siting of facilities for the development, generation, transmission and distribution of energy, adequate transportation facilities and other public services necessary to meet requirements which are other than local in nature.
- i. Provision for consideration of whether a proposed activity of an applicant for a federal license or permit complies with the state's coastal area program and for the issuance of notice to any concerned federal agency as to whether the state concurs with or objects to the proposed activity.
- j. Adequate provision for public notice, public hearings, and judicial review as provided for under Alabama law.

Section 7. Permit Applications. Following development of the coastal area administration program provided for in Section 6 and review

and approval of the program by the Governor, no regulated activity shall affect, subsequent to the effective date of said coastal area administration program, any coastal area without a permit unless such regulated activity is allowed without permit in the administration program promulgated pursuant to the provisions of this act. Any person proposing to conduct or cause to be conducted such a regulated activity upon any coastal area subsequent to the effective date of said coastal area administration program shall file an application for a permit with the Board in such form and with such information as the Board may prescribe. An application fee in an amount to be established by the Board regulations shall accompany each application and shall be payable to the Board.

a. An application shall include the following:

- (1) The name and address of the applicant;
- (2) The names and addresses of the owners of record of adjacent land and of known claimants of riparian or water rights in or immediately adjacent to the coastal area, or a certification that after diligent search and inquiry the said names and addresses could not be found;
- (3) A detailed description of the proposed activity and a map, drawn to an appropriate and uniform scale showing by section, township and range, the location and area of the coastal areas to be affected, indicating the location and area of existing and proposed fill, excavation or other regulated activities; showing the location, width, depth and length of any proposed channel and dredge spoil disposal site; showing all existing and proposed structures, sewage collection and treatment facilities, utility installations, roadways and related appurtenances or facilities, including those on adjacent uplands; describing the type of equipment to be used and the means of equipment access to the activity site;
- (4) An estimate of the cost of the activity;
- (5) The primary and secondary purposes of the project, including contemplated future projects;
- (6) A description of any public benefit to be derived from the proposed project dependent upon the proposed activity;
- (7) A complete description of measures to be taken to reduce detrimental off-site effects to the coastal areas during and after the proposed activity;
- (8) The completion date of the proposed activity and of the project dependent upon the activity;
- (9) A written report or statement of the environmental impact of the proposed regulated activity and of the final project dependent on it upon the affected coastal areas and the life dependent upon them, provided that an environmental impact statement treating the same activity in the same area and supplied to another federal or state agency for considering a permit shall satisfy this requirement if submitted by the applicant; and
- (10) A certification that permits from the Alabama Air Pollution Commission and the Alabama Water Improvement Commission have been applied for or that such permits are not required; that a permit from the United States Corps of Engineers has been applied for or that such permit is not required; that permits or other certificates of compliance with applicable municipal or county building codes and zoning ordinances have been applied for or are not required;

b. However, any person filing an application to dredge an existing channel for navigational purposes need only show:

(1) That such channel was lawfully in existence on the date of enactment of this act and on the date such application was filed;

(2) That such channel is regularly used for navigational purposes;

(3) That a permit from the U. S. Corps of Engineers, or its successors, was obtained for the original dredging or that such permit was not required;

(4) That such channel, because of silting or because of the movement of mud, sand, soil or other debris, has become, or is in danger of becoming, impaired for navigational purposes;

(5) Where and how the spoil shall be disposed of, so as to preserve existing areas; and

(6) Fulfill the requirements of subsections a.(1) and a.(7) above.

c. Any person filing an application to dredge a new channel through coastal areas for navigational purposes, must, in addition to the requirements of subsection a. above, show to the satisfaction of the Board:

(1) That such channel will be regularly used for navigational purposes;

(2) That such channel is necessary for access to existing or proposed docks, marinas, yacht basins or other facilities and that there are no other reasonable means of access to such facilities;

(3) Where and how the spoil shall be disposed of, so as to preserve existing areas;

(4) That such channel will be dredged in such a manner as to have the least detrimental effect on the ecological, economic, recreational and aesthetic value of surrounding coastal areas; and

(5) That such channel shall benefit the public at large or surrounding landowners.

d. The Board shall cause a copy of any application to be mailed immediately to the following parties:

(1) The chief administrative officer in the municipality or municipalities where any part of the proposed activity will be located;

(2) The chief administrative officer of any county where any part of the proposed activity will be located;

(3) The chief biologist, Department of Conservation and Natural Resources;

(4) The county attorney of any county in which any part of the proposed activity will be located or in any county which may be affected by such activity;

(5) The district attorney of any judicial district in which any part of the proposed activity will be located or of any district which may be affected by such activity;

(6) The Director of the South Alabama Regional Planning and Development Commission.

e. Not later than sixty (60) days from the receipt of any application, the Board shall publish notice of a date on or before which written

objections to any application must be filed. If written objection is filed or if the applicant requests a hearing, then a hearing must be held within ten (10) days after the date on or before which objections must be filed unless a later date for the hearing is agreed to by all parties. Notice of the date on or before which objections must be filed shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper of general circulation in the county or counties in which the affected areas are located. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date on or before which objections must be filed and the last publication shall be made not more than seven (7) days prior to such date. The published notice shall describe the site of the proposed activity and shall give a general description of the proposed regulated activity. Further, notice shall be given describing the date, time and place for the said hearing by U. S. Mail, postage prepaid, to each of the objectors and to the applicant at the address furnished to the Board by said parties, and by causing a copy of such notice to be published at least one (1) time in one (1) newspaper having general circulation in the county or counties in which the affected wetlands are located.

f. The following parties shall be notified of a hearing by the Board by mail prior to the date set for the hearing, but a failure to meet this requirement shall not invalidate any permit granted thereafter:

(1) All of those parties who are entitled to receive a copy of such application in accordance with subsection e. of this section of this act; and

(2) All known owners of record of adjacent land and all known claimants to water or riparian rights in or adjacent to the coastal areas affected.

g. Any person who files a written objection pursuant to paragraph e. of this section may appear at the public hearing and be heard.

h. The burden of proof shall be on the applicant, whether a hearing is held or not; provided, however, no application shall be denied without giving the applicant a right to a hearing according to the provisions of this act.

i. Evidence offered at hearings and all applications and related documents shall be open for public inspection at the office of the Board at reasonable times.

j. Within thirty (30) days of the completion of the public hearing on an application for permit the Board shall issue its order granting (with or without special conditions) or denying the application. In the event the Board denies the application it shall specify its reasons therefor and indicate any changes in the proposed activity that would make the applicant eligible to receive the permit. The decision of the Board shall become final unless appeal as provided for in Section 8 is taken therefrom.

Section 8. Appeals. An appeal may be taken by the applicant, or any person or corporation, municipal corporation, county or interested community group who has been aggrieved by such order, from the denial, suspension or revocation of a permit or the issuance of a permit or conditional permit and who has filed written protest or objection as specified in Section 7., within thirty (30) days after the mailing to the parties of the order of issuance, denial, suspension or revocation of any such permit, to the circuit court of any county having jurisdiction over the property which may be affected by any such proposed activity to be authorized by such permit.

a. If the court finds that the order appealed from is supported by substantial evidence, consistent with the public policy set forth in this act, is not arbitrary or capricious and does not violate constitutional rights, it shall affirm the Board's order.

b. Such appeal shall be brought by a complaint in writing, stating fully the reasons therefor, signed by an authorized party, and shall be served at least twelve (12) days before the return date upon the Board and upon all parties having an interest adverse to the appellant as designated under Section 8. Such appeals shall be brought to the next return day of the court after the filing of such appeal or may be returned to a day set by fiat of the court. A cost bond must be posted with sufficient sureties payable to the state in the sum of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), to be fixed in the order appealed from and to be filed with and approved by the director of the Board, who shall forthwith certify the same, together with a certified copy of the transcription record of the proceedings of the Board in the matter to the circuit court to which the appeal is taken, which shall thereupon become the record of the cause. An appeal to the circuit court as provided herein shall not stay the execution of an order of the Board; provided, however, that any party aggrieved by an order of the Board may petition the circuit court for an appeal with supersedeas and the court shall grant a hearing on said petition, and upon good cause shown may grant said appeal with supersedeas in which case the appellant shall be required to post a bond with sufficient sureties according to law in an amount to be determined by the court.

c. Upon the filing of an appeal, the clerk of the circuit court shall serve notice thereof upon the Board, whereupon the Board shall within sixty (60) days, or within such additional time as the court may for cause allow, from the services of such notice certify to the circuit court the record in the case, which record shall include a transcript of all testimony, all objections, all exhibits or copies thereof, all pleadings, proceedings, orders, findings and opinions entered in the case; provided, however, that the parties and the Board may stipulate that only a specified portion of the record shall be certified to the court as the record on appeal.

d. If, upon hearing such appeal, it appears to the court that any testimony has been improperly excluded by the Board or that the facts disclosed by the record are insufficient for the equitable disposition of the appeal, it shall refer the case back to the Board to take such evidence as it may direct and report the same to the court with the board's findings of fact and conclusions of law.

e. Such appeal shall have precedence in the order of trial, and the circuit court may order the granting, denial, revocation, suspension or limitation of any permit or may remand to the Board for such order.

f. Appeals may be taken from the circuit court to the Supreme Court in the manner as now required by law.

Section 9. Initiation of Actions. The State of Alabama at the request of the Board, a district attorney having jurisdiction, or a county attorney having jurisdiction may initiate the actions, as described in this act against any person or persons believed to be in violation of this act.

a. Jurisdiction and venue for judicial actions brought pursuant to this act shall lie in any county or counties in which the alleged violation occurs or in which property affected by such violation is located.

b. Any person who violates the provisions of this act shall be liable to the State of Alabama for the restoration of all affected coastal areas to their condition prior to such violation, insofar as such restoration is

possible, and for any and all damages to such areas. The appropriate circuit court shall allow a reasonable time for completion of the restoration and may, in its discretion, order as punitive damages a sum not to exceed Five Hundred Dollars (\$500.00) Per Day for each day such violation has existed. The said circuit court may further order in punitive damages a sum not to exceed Five Hundred Dollars (\$500.00) Per Day for each day that the violation exists beyond the date set by said court in its order for the restoration of said area.

c. Threatened or actual violations of this act may be restrained by order of the Circuit Court of the county in which any affected area of the coastal area or any part thereof lies. Such suits shall be initiated as provided for above.

d. Nothing in this act shall preclude other statutory or common law remedies by public or private parties against violators or non-violators of this act.

Section 10. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Effective Date. This act shall become effective 120 days from the date of its approval by the Governor or from the date it otherwise becomes law.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Fine	King	O'Bannon
Bailes	Foshee	Lindsey	Owen
Baker	Givhan	Littleton	Pelham
Branyon	Harris	McLain	Pierce
Carr	Horne	Malone	Register
Dozier	Jones	Noonan	Weaver

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Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 617. To amend Act No. 1260, Regular Session, 1971; to provide criminal penalties for willful or gross negligent violations of said act; to provide criminal penalties for knowingly making false statements, representations, or certifications in material filed or required to be maintained under said act, and for falsifying, tampering, or knowingly rendering inaccurate monitoring devices or methods required to be maintained under said act; and to provide an effective date.

JOHN W. PEMBERTON,
Clerk.

RECESS

At 12 o'clock Noon, on motion of Mr. Fine, the Senate took a recess for one hour.

AFTERNOON SESSION
THIRTY-SIXTH LEGISLATIVE DAY
THURSDAY, SEPTEMBER 13, 1973

The Senate reassembled in the Senate Chamber, Lieutenant Governor Beasley presiding.

ROLL CALL

Present:

Messrs.:	Edington	King	Owen
Bailes	Fine	Lindsey	Pelham
Baker	Foshee	Littleton	Pierce
Branyon	Gilmore	Lybrand	Register
Carr	Givhan	McLain	Shelby
Clark	Harris	Malone	Vacca
Cook	Hawkins	Melton	Weaver
Dominick	Horne	Noonan	Wilder
Dozier	Jones	O'Bannon	Wilson

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REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 90. NAMING THE UNIVERSITY CENTER BUILDING AT TROY STATE UNIVERSITY THE RALPH W. ADAMS BUILDING.

Also:

S. J. R. 103. NAMING U. S. HIGHWAY 11 BETWEEN BIRMINGHAM AND TRUSSVILLE THE RICHARD BEARD MEMORIAL PARKWAY.

Also:

S. J. R. 109. COMMENDING CERTIFIED NURSE ANESTHETISTS

Also:

S. J. R. 110. DESIGNATING THE DENTAL CLINIC AT THE JAMES H. FAULKNER STATE JUNIOR COLLEGE IN BAY MINETTE "THE HAROLD B. PEARSON DENTAL CLINIC".

JAMES S. CLARK,
Chairman.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 125. To prohibit the taking, catching, capturing, or killing game or non-game fish by use of a gill, trammel or similar type net in the waters impounded by Jordan Dam, Lay Dam, Mitchell Dam and Martin Dam and to prescribe penalties.

Also:

S. 195. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of the reappraisal of property in that county required by Act No. 160 adopted at the 1971 Third Special Session of the Legislature; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of certain taxes and other revenues and funds; to specify the effect and priority of any such pledges; to authorize the refunding of any such warrants; and to provide for the sharing of payment of the principal of and interest on such warrants by all entities receiving any part of the proceeds from ad valorem taxation of property in said county.

Also:

S. 515. To amend Section 88 of Act No. 414, S. 261, approved November 13, 1959 (General Acts of Alabama 1959, Vol. 2, Page 1055) entitled "An Act to provide further for the organization, admission, consolidation, merger, and dissolution of certain corporations, and to prescribe the powers, authority, and duties of such corporations, and of the officers, directors, and stockholders thereof; subject to the provisions of Section 100 of this Act, to repeal Sections 1 through Section 15, Sections 17 and 18, Sections 22 through 47, Section 70, Sections 91 through 101, Sections 103 through 110, Sections 189 through 197, all as contained in Title 10 of the Code of Alabama of 1940 as amended; and Section 198 of Title 10 of the Code of Alabama of 1940." by adding pipeline companies to the corporations included in said Section 88.

Also:

S. 516. To amend Sections 71, 75, 76 and 82 of Title 10, Code of Alabama 1940, which provide for the exercise of the power of eminent domain by certain corporations and certain rights and limitations relating to such exercise of the power of eminent domain.

Also:

S. 537. To authorize the Baldwin County Commission to regulate the minimum size of lots and the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in Baldwin County.

Also:

S. 548. To provide the sheriff's department of Baldwin County with a specific number of employees, establishing the rate of compensation for said employees, and providing for training of such.

Also:

S. 642. To create, establish and empower The Ameraport Offshore Harbor and Terminal Commission, pending the approval of a bistate compact involving the participation of the States of Alabama and Mississippi, in the development of an offshore deep draft harbor and terminal for the purpose of loading and unloading cargoes of energy, in particular, petroleum of all kinds.

Also:

S. 658. To authorize the Governor on behalf of the State of Alabama to seek appointment of a referee by the U. S. Congress, for the purpose of executing a compact with the State of Mississippi. This compact to be for the purpose of promoting the development of a Deep Draft Harbor and Terminal to be located on the continental shelf of the United States, in the Gulf of Mexico.

Also:

S. 761. To provide an additional expense allowance for the Circuit Judges of the Ninth Judicial Circuit.

Also:

S. 762. To provide for an additional expense allowance for the District Attorney of the Ninth Judicial Circuit.

Also:

S. 763. To provide an expense allowance for the District Attorney of the Thirty-eighth Judicial Circuit.

Also:

S. 764. To provide for an expense allowance for the Circuit Judge of the Thirty-eighth Judicial Circuit.

Also:

S. 779. To authorize the district attorney of the Thirty-Eighth Judicial Circuit to appoint a part-time deputy district attorney, and to prescribe his duties; to fix his compensation and the manner of its payment.

Also:

S. 799. To give statutory recognition to the condominium form of ownership of real property in Barbour County and prescribe regulations therefor.

Also:

S. 801. To amend further Act No. 242, H. 678, approved July 15, 1949, (Acts of Alabama 1949, page 361, as amended), which created and established the Court of Common Pleas of Lee County, by amending said Act to provide for a Small Claims Division of that Court.

Also:

S. 823. To authorize the governing body of Barbour County to provide for the relief of Evelyn Herring for the damage to her automobile due to a defective county road.

Also:

S. 833. To provide additional compensation for each official court reporter of the Thirty-eighth Judicial Circuit.

Also:

S. 834. To establish in the Thirty-eighth Judicial Circuit the office of clerk-secretary to each circuit judge of said circuit; to prescribe the duties of said clerk-secretary, fix the term of office and prescribe the pay; and to provide for the payment of the salary of said clerk-secretary out of the general funds of the county comprising the Thirty-eighth Judicial Circuit.

Also:

S. 836. To amend Act 249, S. 171, Regular Session 1973, which provides additional compensation for the official court reporters of the ninth judicial circuit, so as to change the method of payment.

Also:

S. 851. To make a conditional appropriation to the Special Mental Health Fund from the State General Fund for each of the two fiscal years ending September 30, 1974, and September 30, 1975.

Also:

S. 853. Creating the position of full time deputy district attorney for the eighth judicial circuit; providing compensation for such position.

Also:

S. 868. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation and expenses of the circuit clerk in such counties.

Also:

S. 869. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation of the register of the circuit court in such counties.

Also:

S. 875. Relating to counties having a population of not less than 22,250 nor more than 23,000 according to the most recent federal decennial census; authorizing the District Attorney of such counties to appoint one Deputy District Attorney; providing for compensation.

Also:

S. 879. To establish in the Ninth Judicial Circuit the office of clerk-secretary to each of the two circuit judges of said circuit; to prescribe the duties of said clerk-secretary, fix the term of office and prescribe the pay; and to provide for the payment of the salary of said clerk-secretary out of the general funds of the counties comprising the Ninth Judicial Circuit.

Also:

S. 892. Relating to all counties having a population of not less than 35,000 nor more than 38,000 according to the last or any subsequent federal decennial census, authorizing the county commission to set the number of working days for the county board of equalization and to set and pay a travel allowance to the members of the board.

Also:

S. 893. Relating to all counties having a population of not less than 35,000 nor more than 38,000 according to the last or any subsequent federal decennial census, authorizing the county commission to pay

from the county general fund the employer's share of the social security tax for the member of the board of equalization.

Also:

S. 897. To provide for a stenographic secretary for the District Attorney of the Thirty-First Judicial Circuit.

Also:

S. 934. To authorize and provide for the establishment of ambulance service for the sick, infirm and injured in counties having less than 16,350 nor more than 16,650 population according to the most recent Federal Decennial Census.

Also:

S. 938. Relating to all counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, abolishing the Board of Revenue, establishing in lieu thereof a commission and providing for election of a president and members of said commission for the nomination of members thereof from districts herein prescribed and to prescribe the functions, jurisdiction, powers, and duties of such commission and the president and members thereof.

Also:

S. 940. Relating to Tuscaloosa County to amend Sections 7, 11, 22, 23, 25, and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pensions and Relief Fund for the City of Tuscaloosa, Alabama, changing the percentage composition of the fund, changing the percentage investments of the fund, prescribing limits for disability benefits and payments to dependents of members, and fixing the maximum monthly benefit for a fireman or policeman retiring on or after the effective date of this Amendatory Act.

Also:

S. 943. Relating to counties having a population of not less than 53,000 nor more than 55,000; to provide an additional expense allowance for the probate judge.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 1284

The Senate proceeded to further consideration of the Bill:

H. 1284. To provide for the uniform minimum compensation for all deputy sheriffs in every county in the State of Alabama.

as amended.

The question was on the amendment offered by Mr. Fine to the Bill, H. B. 1284, as amended, and said amendment was then lost.

Yeas 14; Nays 18.

Yeas:

Messrs.:	Fine	Lindsey	Melton	
Baker	Foshee	Littleton	Owen	
Clark	Givhan	Lybrand	Wilson	
Cook	Horne	Malone		—14

Nays:

Messrs.:	Dozier	Jones	Pierce	
Bailes	Edington	King	Register	
Branyon	Gilmore	Noonan	Vacca	
Carr	Harris	O'Bannon	Wilder	
Dominick	Hawkins	Pelham		—18

Mr. Pelham offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. B. 1284, AS AMENDED

Strike the period at the end of the Pierce amendment, substitute a comma and add the following words:

"provided, however, this exception shall be inapplicable in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent federal decennial census."

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham	
Bailes	Fine	Littleton	Pierce	
Baker	Foshee	Lybrand	Register	
Branyon	Gilmore	McLain	Vacca	
Carr	Givhan	Melton	Weaver	
Clark	Harris	Noonan	Wilder	
Dominick	Hawkins	O'Bannon	Wilson	
Dozier	Jones	Owen		—30

Nays:

—0

Mr. Bailes then offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. B. 1284, AS AMENDED

Amend the Title and Section 1 of H. B. 1284 by adding after the word "county" where is first appears in said Title and Section 1 the following words and figures:

"having less than 600,000 population according to the last or any subsequent federal census."

Which was adopted.

Yeas 26; Nays 1.

Yeas:

Messrs.:	Baker	Carr	Cook
Bailes	Branyon	Clark	Dominick

Edington	Jones	Noonan	Vacca	
Foshee	King	Owen	Weaver	
Gilmore	Lybrand	Pelham	Wilder	
Givhan	Malone	Pierce	Wilson	
Hawkins	McLain	Register		—26
<i>Nay:</i>	Mr. Fine			—1

Mr. McLain then offered the following amendment to the Bill, H. B. 1284, as amended, to-wit:

AMENDMENT TO H. B. 1284, AS AMENDED

Amend the title of said H. B. 1284 by deleting the words "every county" and substitute in lieu thereof the words "certain counties";

Also, further amend said H. B. 1284 in Section 1 of the bill by adding immediately before the first word thereof the following:

"Except in counties where salaries of deputy sheriffs are fixed and controlled by a merit system". Provided nevertheless and however that Madison County shall be under this act.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	King	Owen	
Bailes	Edington	Littleton	Pelham	
Baker	Fine	Lybrand	Pierce	
Branyon	Foshee	McLain	Register	
Carr	Gilmore	Malone	Vacca	
Clark	Givhan	Melton	Wilder	
Cook	Hawkins	Noonan	Wilson	
Dominick	Jones			—29

Nays: —0

And said Bill, H. B. 1284, as thus amended, was then read a third time at length and passed.

Yeas 28; Nays 1.

Yeas:

Messrs.:	Fine	King	Noonan	
Bailes	Foshee	Lindsey	Owen	
Baker	Gilmore	Littleton	Pierce	
Branyon	Givhan	Lybrand	Register	
Carr	Harris	McLain	Vacca	
Clark	Hawkins	Malone	Wilder	
Cook	Jones	Melton	Wilson	
Dozier				—28

Nay: Mr. Dominick —1

UNFINISHED BUSINESS BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the second item of Unfinished Business for today, which was the Bill.

H. 1309. To make a conditional supplemental appropriation to the

Department of Public Safety for the fiscal years ending September 30, 1974 and September 30, 1975.

and pending Dozier amendment, which said amendment is set out in the Journal of the Senate for the Thirty-Fifth Legislative Day.

And said amendment was then adopted by the Senate.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Foshee	Lindsey	Pelham
Baker	Gilmore	Littleton	Pierce
Branyon	Givhan	Lybrand	Register
Carr	Harris	McLain	Vacca
Cook	Hawkins	Malone	Weaver
Dominick	Horne	Melton	Wilder
Dozier	Jones	Noonan	Wilson
Edington			

—32

Nays:

—0

Mr. Harris then offered the following amendment to the Bill, H. B. 1309, as amended, to-wit:

AMENDMENT TO H. B. 1309

Amend the title of said bill by inserting after the word "Safety" the following:

"and the Department of Conservation and Natural Resources,"

Further amend said bill by renumbering Sections 2 and 3 as Sections 3 and 4 respectively. Further amend said bill by inserting the following:

"Section 2. In addition to all other appropriations heretofore made to the Department of Conservation and Natural Resources there is hereby appropriated from the State General Fund for each of the fiscal years ending September 30, 1974, and September 30, 1975 the following:

Game and Fish Division	
For Other Expenses	198,000.00
Water Safety Division	
For Other Expenses	67,320.00
Marine Resources Division	
For Other Expenses	25,000.00
Total	290,320.00"

Which was adopted.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Cook	Gilmore	Lindsey
Bailes	Dominick	Givhan	Littleton
Baker	Dozier	Harris	Lybrand
Branyon	Edington	Hawkins	McLain
Carr	Fine	Horne	Melton
Clark	Foshee	King	Noonan

O'Bannon	Pierce	Vacca	Wilder	
Owen	Register	Weaver	Wilson	
Pelham				—32
<i>Nays:</i>				—0

And said Bill, H. B. 1309, as thus amended, was then read a third time at length and passed.

Yeas 35; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen	
Bailes	Fine	Lindsey	Pelham	
Baker	Foshee	Littleton	Pierce	
Branyon	Gilmore	Lybrand	Register	
Carr	Givhan	McLain	Shelby	
Clark	Harris	Malone	Vacca	
Cook	Hawkins	Melton	Weaver	
Dominick	Horne	Noonan	Wilder	
Dozier	Jones	O'Bannon	Wilson	
				—35
<i>Nays:</i>				—0

MOTION IN WRITING

Mr. Carr offered the following Motion in Writing, to-wit:

"Having voted on the prevailing side on H. B. 1319, I move that this bill now be reconsidered."

REPORT OF CONFERENCE COMMITTEE

To the Members of the Legislature:

We, your conferees, appointed to reconcile the differences between the two houses on the House amendment to the bill, S. B. 787, beg leave to report as follows:

We suggest that the House recede from its amendment and that both houses concur in this conference report.

SENATOR STEWART O'BANNON
SENATOR W. H. LINDSEY, III
SENATOR FRED RAY LYBRAND
(Conferees on part of the Senate)

REP. ROBERT M. HILL
REP. ROY H. COSHATT
REP. GLEN A. REYNOLDS
(dissenting)
(Conferees on part of the House)

CONFERENCE REPORT

On motion of Mr. O'Bannon, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 787. To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and to provide the means and manner for the payment of the same, so as to provide further for such compensation.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	O'Bannon	
Bailes	Fine	Littleton	Pelham	
Baker	Gilmore	Lybrand	Register	
Carr	Givhan	McLain	Shelby	
Clark	Harris	Malone	Wilder	
Dominick	Hawkins	Melton	Wilson	
Dozier	Jones			—25

Nays: —0

And said Bill, S. B. 787, as thus amended by the Conference Report, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Baker	Gilmore	McLain	Vacca	
Carr	Givhan	Malone	Weaver	
Clark	Hawkins	Melton	Wilder	
Dominick	Horne	O'Bannon	Wilson	
Dozier	King			—25

Nays: —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill 18.

Respectfully Submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 13th DAY OF SEPTEMBER, 1973.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I again bring to your attention the urgent need for the Legislature to pass meaningful and worthwhile legislation for the benefit of the consumers of this state.

The average working men and women of this state are faced with the same financial burdens and, as a matter of fact, are probably faced with more financial burdens than those who will receive the benefits of your already enacted legislation. The consumers, however, have been forgotten, and needlessly so.

You have before you House Bill No. 18 which would effectively reduce the exorbitant interest rates now allowed to be charged to the borrowing public. You have an opportunity, and indeed in my opinion an obligation, to do something now to bring about this purpose. Do not be dismayed nor fearful that the financial institutions which regularly loan money to our consumers will crumble by the enactment of House Bill No. 18. Money lenders have managed to survive for a millennium or more and will continue to do so. Our working men and women are not so fortunate.

I respectfully urge that you rise to the call of the people of this state by passing House Bill No. 18 so that our consumers can look upon this Legislature as having done something worthwhile and beneficial for them.

Respectfully,

GEORGE C. WALLACE,
Governor of Alabama.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning House Bill No. 126.

Respectfully Submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 13th DAY OF SEPTEMBER, 1973.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I call to your attention prefiled House Bill No. 126 which establishes a pension fund for Alabama fire fighters. This piece of legislation has for too long been delayed in passage. Those men who risk their lives daily preserving the lives and property of others deserve the opportunity to contribute to and participate in a pension fund upon their retirement.

As you know, almost every other type of public servants already have enabling legislation to allow them the benefits of pension and retirement funds to which they contribute a portion of their salaries. These dedicated public servants are entitled to the same opportunities and privileges. Therefore, I respectfully urge that you give this bill urgent consideration and favorable action.

Respectfully,

GEORGE C. WALLACE,
Governor of Alabama.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Turnham, Ellis, Grainger, Brassell and Adams:

H. J. R. 237. WHEREAS, James Ralph "Shug" Jordan has been head football coach at Auburn University for twenty-two years and has guided his teams to an enviable record of 156 victories during this time; and

WHEREAS, this record Coach Jordan has compiled ranks fourth in the nation in total victories and also ranks him fourth in the nation in winning percentage among active coaches with twenty or more years of service; and

WHEREAS, Coach Jordan is the only active coach in the Southeastern Conference who was coaching in any sport when the SEC was formed in 1933; and

WHEREAS, he has won many honors, including SEC Coach of the Year four times, and was runner-up in 1972 for NCAA National Coach of the Year; and

WHEREAS, his teams have participated in ten bowl games, five of which have taken place in the last five years and one of the most thrilling being the recent Gator Bowl victory over Colorado; and

WHEREAS, Coach Jordan has been far more than "just" a football coach at Auburn, giving of his time and talents throughout the years in any way which would further the institution; and

WHEREAS, his inspired leadership, high sense of morals, devotion to the total development of the individual, and his outstanding professional ethics have touched the lives of thousands, both directly and indirectly; and

WHEREAS, the Auburn University Board of Trustees has unanimously recommended at its meeting on August 23, 1973, that Cliff Hare Stadium be renamed "Jordan-Hare Stadium" in recognition of Coach Jordan's contribution to the University; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in recognition of the unique contributions of Coach Jordan to the people of Alabama and his outstanding dedication to Auburn University, the stadium be designated, named and known as the Jordan-Hare Stadium.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Mrs. Evelyn Jordan, and to their children, Mrs. Tom Pilgreen, Miss Darby Jordan, and Mr. Ralph Jordan, Jr.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

Mr. Foshee offered the following substitute for the Resolution, H. J. R. 237, set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR H. J. R. 237

WHEREAS, James Ralph "Shug" Jordan has been head football coach at Auburn University for twenty-two years and has guided his team to an enviable record of 156 victories during this time; and

WHEREAS, this record Coach Jordan has compiled ranks fourth in the nation in total victories and also ranks him fourth in the nation in winning percentage among active coaches with twenty or more years of service; and

WHEREAS, Coach Jordan is the only active coach in the Southeastern Conference who was coaching in any sport when the SEC was formed in 1933; and

WHEREAS, he has won many honors, including SEC Coach of the Year four times, and was runner-up in 1972 for NCAA National Coach of the Year; and

WHEREAS, his teams have participated in ten bowl games, five of which have taken place in the last five years and one of the most thrilling being the recent Gator Bowl victory over Colorado; and

WHEREAS, Coach Jordan has been far more than "just" a football coach at Auburn, giving of his time and talents throughout the years in any way which would further the institution; and

WHEREAS, his inspired leadership, high sense of morals, devotion to the total development of the individual, and his outstanding professional ethics have touched the lives of thousands, both directly and indirectly; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that in recognition of the unique contributions of Coach Jordan to the people of Alabama and his outstanding dedication to Auburn University, the stadium be designated, named and known as the Ralph "Shug" Jordan Stadium.

BE IT FURTHER RESOLVED that hereafter the playing field at and within said stadium shall be designated, named, and known as the Cliff Hare Field.

BE IT FURTHER RESOLVED that copies of this resolution be sent to Coach and Mrs. Ralph Jordan, and to their children, Mrs. Susan Pilgreen, Miss Darby Jordan and Mr. Ralph Jordan, Jr.

Mr. Harris moved that said substitute be laid on the table, which motion was lost.

The question was then on the substitute for the Resolution, H. J. R. 237, and said substitute was then lost.

Yeas 11; Nays 16.

Yeas:

Messrs.:	Fine	Hawkins	Melton
Carr	Foshee	Littleton	Pelham
Clark	Givhan	Malone	Register

—11

Nays:

Messrs.:	Harris	Lindsey	Pierce
Bailes	Horne	Lybrand	Shelby
Cook	Jones	McLain	Wilder
Dozier	King	O'Bannon	Wilson
Edington			

—16

And on motion of Mr. Harris, the Rules were suspended, and the Resolution, H. J. R. 237, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1792, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill Number 1792, without the Governor's approval, and with a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 5th DAY OF SEPTEMBER, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1792 without my approval and with a suggested Executive Amendment.

It is suggested that the following be deleted therefrom:

"Section 2. The Clerk of the House and the Secretary of the Senate shall each receive an annual salary of \$33,600.00 per annum."

and substituted therefor the following:

"Section 2. The Clerk of the House and the Secretary of the Senate shall each receive an annual salary equivalent to the maximum salary of an appointed department head or other officers and employees appointed in the exempt service as provided for in Act 171, S. 364, Regular Session 1969, (Acts 1969, p. 462)."

It is further suggested that said bill be amended by the addition of the following Section to be numbered Section 3, and that the existing Section 3, 4, 5 and 6 be consecutively renumbered, the new Section 3 to read as follows:

"Section 3. The Clerk of the House and the Secretary of the Senate shall devote their respective full time to the carrying out of their respective duties and shall not receive any remuneration for his service as Clerk or Secretary, except the salary and allowances authorized by law."

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

The House has refused to make the amendment from His Excellency, the Governor, to the bill, H. 1792, by a vote of 58 to 21.

And said Bill:

H. 1792. To provide further for the compensation of the Clerk of the House and the Secretary of the Senate; providing for an annual salary for each of said officers and requiring that all fees received by them from the sale of bills introduced in the Legislature shall be paid into the State General Fund; to provide that the effective date of this act shall be January 1, 1974.

Was again read and passed, the Governor's objection notwithstanding, by a vote of Yeas 66, Nays 12, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, which was laid upon the table, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Melton, the Senate refused to accept the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1792, the title of which and said executive amendment are set out in the foregoing Message from the House.

Yeas 28; Nays 2.

Yeas:

Messrs.:	Gilmore	Littleton	Pelham
Bailes	Givhan	Lybrand	Pierce
Carr	Hawkins	McLain	Register
Cook	Horne	Malone	Shelby
Dozier	Jones	Melton	Vacca
Edington	King	Noonan	Weaver
Fine	Lindsey	O'Bannon	Wilder
Foshee			

—28

Nays: Messrs. Baker, Branyon

—2

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1792, was again read a third time at length and passed, the Governor's objections to the contrary notwithstanding.

Yeas 28; Nays 3.

Yeas:

Messrs.:	Fine	Horne	Lybrand
Bailes	Foshee	Jones	McLain
Carr	Gilmore	King	Malone
Dozier	Givhan	Lindsey	Melton
Edington	Hawkins	Littleton	Noonan

O'Bannon	Pierce	Shelby	Weaver	
Owen	Register	Vacca	Wilder	
Pelham				—28

<i>Nays:</i>	Messrs. Baker, Branyon, Dominick	—3
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which was a majority of the whole number elected to the Senate.

RESOLUTIONS

Mr. Foshee offered the following Senate Joint Resolution, to-wit:

S. J. R. 123. BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That House Bill 112, making an appropriation to Tuskegee Institute, be and the same is hereby known as "The Thomas Reed Bill".

On motion of Mr. Foshee, the Rules were suspended, and the Resolution was adopted by the Senate.

Messrs. McLain, Bailes, Baker, Branyon, Carr, Clark, Cook, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Givhan, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, Malone, Melton, Noonan, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 124. WHEREAS, the Medical Association of the State of Alabama has assumed the responsibility for coordination of the "Physician for a Day" program beginning with this Session of the Legislature, and has furnished the Legislature with the voluntary services of its member physicians on each legislative day and when numerous committee meetings were scheduled, and

WHEREAS, the presence of these outstanding physicians from all over Alabama, at great personal and professional sacrifice to themselves, was a comfort and reassurance to the members of the Legislature, now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Legislature does now convey its deep appreciation to the members of the Medical Association of the State of Alabama who participated in the "Physician for a Day" program for this unselfish act of public service.

BE IT FURTHER RESOLVED That copies of this Resolution be sent to the Medical Association of the State of Alabama for distribution to these volunteer physicians.

On motion of Mr. McLain, the Rules were suspended, and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 122. COMMENDING MR. OTIS R. BURTON UPON HIS RETIREMENT, AS TAX COLLECTOR OF TALLADEGA COUNTY.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Lyons:

H. J. R. 265. WHEREAS, Capital gains tax treatment of timber under the Internal Revenue Code has been the major factor responsible for the vast progress in Alabama and the nation in forest management and the growth of forest resources during the past half century; and

WHEREAS, the substantial elementation of capital gains treatment for the owners of forest lands would constitute the most severe setback in this generation to the growth of forest products; and

WHEREAS, increased consumer demand for wood and paper products, pressures on outdoor recreation resources, and the environmental benefits of timber growth and utilization have all focused greater attention on renewable forest lands, both public and private, to the extent that our nation has seen a reversal of earlier trends of the past thirty years whereby the harvest of forest resources was exceeding the regeneration; and

WHEREAS, the jobs of thousands of employees and many hundreds of communities are affected by the forest industries of Alabama and would be jeopardized by the elimination of capital gains treatment of timber.

NOW, THEREFORE, BE IT RESOLVED BY THE ALABAMA HOUSE OF REPRESENTATIVES, THE ALABAMA STATE SENATE CONCURRING THEREIN, That we do hereby resolve to memorialize Congress to preserve the current taxation method of applying capital gains upon the disposition of forestry products.

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to all members of the Alabama Congressional Delegation, and to the Chairman of the Ways & Means Committee of the U. S. House of Representatives.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 265, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Hill, Stewart, King, Lutz, McDonald, Smith (P), Timmons, Falkenburg, Goodwin, Doss, Lyons and Reynolds:

H. J. R. 277. NAMING HOUSE BILL 400

RESOLVED BY THE HOUSE, THE SENATE CONCURRING, That the bill, H. B. 400, which has passed both houses be designated and known as "Ronnie Flippo Bill."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Rules were suspended and the Resolution, H. J. R. 277, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Stubbs and McCorquodale:

H. J. R. 276. COMMENDING THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR ITS ACTION TAKEN TO RE-STOCK STRIPPED BASS.

WHEREAS the State Department of Conservation and Natural Resources is doing an excellent job in its program to re-stock striped bass in the waters of this state. This program is a great public service to the people and fishermen of this state; and

WHEREAS this legislature wishes to recognize the State Department of Conservation and Natural Resources for its efforts and wishes to urge the continuation of this tremendous program; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That we commend the State Department of Conservation and Natural Resources on its program of restocking striped bass in the waters of this state and we urge the Department to continue this fine public service to the people and fishermen of this state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 276, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Dill:

H. J. R. 275. CREATING A JOINT INTERIM COMMITTEE TO STUDY COLLECTIVE BARGAINING BY ALL STATE, COUNTY, AND MUNICIPAL EMPLOYEES.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Interim Committee to study collective bargaining by all state, county, and municipal employees, etc., of the State of Alabama.

The Committee shall consist of four persons whom shall be members of the House to be appointed by the Speaker of the House; and Three persons whom shall be members of the Senate to be appointed by the Lieutenant Governor. The Speaker of the House and the Lieutenant Governor shall be ex-officio members.

The expenses of this committee shall be paid out of funds appropriated to the use of the legislature, and all members shall receive their regular pay and expense allowances, not to exceed \$10,000.00 each year.

BE IT FURTHER RESOLVED, That the committee shall elect one

of its members as chairman and shall meet at his call, four members constituting a quorum.

The committee shall prepare and submit a report of the facts compiled to the full House and Senate not later than the tenth legislative day of the next regular session of the Alabama Legislature.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 275, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Lyons:

H. J. R. 266. Whereas, it is recognized that the Highway program of the State of Alabama, including the construction and maintenance of modern and safe highways throughout the State is absolutely essential to the safety, well being and prosperity of the people of this State; and

Whereas, it is considered that the presently authorized level of state indebtedness for highway construction cannot be increased within the current level of highway user revenues without jeopardizing essential operational and maintenance activities; and

Whereas it is further recognized that the cost of providing and maintaining modern and safe highways has increased to the point where, without proper planning and efficient utilization of highway user revenues this state may become unable to sustain indefinitely its obligations in the area of highway construction and maintenance; and

Whereas, it is also recognized that, by reason of their very nature most highway construction programs cannot be reasonably undertaken so as to conform with the periodic changes of the Chief Executive of this State and that the planning and programing of highway construction should be accomplished with the absolute purpose of efficient and effective investment of highway user revenues and without regard to cyclic changes of administration, and

Whereas, it is essential to the most effective and efficient utilization of highway revenues and to the strengthening of a modern and safe highway program that the highway department of this State be organized and operated in accordance with the most modern and effective management technology; and

Whereas, it is recognized that there exists in the State Highway Department and in the private sector of our economic society a substantial and sincere interest in the development of a sound, long range highway construction and maintenance program, and a reservoir of knowledge and expertise in this field; and

Whereas, the universities of the State have academic capabilities that should be utilized in the design and restructuring of the State's Highway Department and the development of an efficient long range highway program,

NOW THEREFORE BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That

1. The Legislative Council or a committee thereof to be appointed by the Chairman of the Legislative Council is charged and commissioned to undertake in conjunction with representatives from the private sector and with the support of appropriate personnel from the State supported universities, an exhaustive study and analysis of the entire highway program of this state including the organization of the highway department, the funding of the State's highway program and the methods and procedures employed to plan and program highway construction and maintenance projects.

2. The Legislature hereby requests the Alabama Road Builders Association and other trade associations directly involved and interested in highway construction and maintenance work to furnish, upon request of the Legislative Council, such aid and assistance, including personnel as may be needed to conduct the study hereby commissioned.

3. The Legislature hereby requests the State supported Universities to cooperate with the Legislative Council and to furnish to it, upon request such staff and research support as may be necessary to insure the prompt and successful conclusion of the study hereby commissioned.

4. The Legislative Council is authorized to seek, accept and disburse such gifts and grants as may be available for the purpose of underwriting the expense of the study hereby commissioned.

5. By no later than January 1, 1975, the Legislative Council will submit a report to the Legislature including suggested legislation to achieve the following:

a. The reorganization of the Alabama Highway Department in accordance with modern management techniques so as to enable that Department to function as efficiently as possible and as free as possible from the effects of periodic changes of Administration.

b. The establishment of a procedure for formulating a long range program for highway construction and maintenance.

c. The provision of adequate funding for a long range program for highway construction and maintenance, including suggestions as to new or increased revenues.

d. The stabilization and clear delineation of the relative responsibilities of the State, the counties and the municipalities with respect to highway construction and maintenance.

6. The members of the Legislative Council actually engaged in the study hereby authorized, shall be reimbursed for travel expenses incurred in the conduct thereof and shall receive the regular legislative compensation for each day engaged in the conduct of such study.

7. The maximum amount that may be expended in connection with employment authorized hereunder shall be \$15,000 which shall be paid from funds appropriated for the use of the Legislature, and shall be paid upon approval of the Chairman of the Legislative Council.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 266, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 245. To amend Article 3 of Chapter 10 of Title 55, Code of Alabama 1940 by amending Section 347 thereof, relating to creation of boxing and wrestling commission, membership, oath, etc; to further amend Section 348 thereof, relating to seal; powers, authority and duties of the commission; and to amend Section 349 thereof relating to compensation and expenses of members.

Also:

S. 364. To further amend Section 8 of Title 8 of the Code of Alabama of 1940, as amended, which pertains to the Advisory Board of Conservation and Natural Resources; providing that two additional members be added to the Advisory Board of Conservation; providing that the semi-annual regular meetings of said Board be held at times designated by chairman of Board or the Commissioner of Conservation and Natural Resources; eliminating requirement that meetings of Board be held in offices of the Department of Conservation and Natural Resources; and eliminating the prohibition on more than two special meetings of Board per year.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Bank, Parker and Robertson:

H. J. R. 223. DESIGNATING THE STREET WHICH COMMENCES AT THE POINT WHERE NINTH STREET AND FIFTEENTH STREET COMBINE AND RUNS TO THE TUSCALOOSA COUNTY LINE THE "CULVER ROAD".

Also:

By Mr. Turnham:

H. J. R. 221. COMMENDING THE AUBURN UNIVERSITY FOOTBALL TEAM FOR THEIR WINNING RECORD DURING THE 1972 FOOTBALL SEASON AND FOR WINNING THE GATOR BOWL GAME.

Also:

By Messrs. Ellis, Headley and Burgess:

H. J. R. 229. CREATING THE JOINT INTERIM COMMITTEE ON WELFARE.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Rules were suspended and the Resolutions, H. J. R.'s 223 and 221, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

The Resolution, H. J. R. 229, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Smith (P), Doss, Connell, Barkett, Drake, Mims, Hobbie, Wallace, Cross, Porter, Perloff, Callahan, Warren, Agee, Chesnut, Wise, Benton, Hardin, Culver, Timmons, McNair, Erdreich, McMillan, Edwards, Lang, Naramore, Grainger, Carter, Lyons, Roberts and Smith (K):

H. J. R. 251. Whereas, cattle rustling has reached alarming proportions in Alabama and is increasing at a rapid rate, causing some communities to become armed camps, and spreading fear and threats of economic disaster to many state cattlemen; and,

Whereas, enforcement officers in the Department of Conservation and Natural Resources are in a singular position to help other law enforcement officers prevent cattle rustling and prosecute offenders; and,

Whereas, some conservation officers already are assisting in the fight against cattle rustling on an informal, local basis, such assistance being of great value;

NOW THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

That, we urge the Alabama Department of Conservation and Natural Resources to institute a formal, state-wide program through its enforcement officers of cooperating in the fight to prevent cattle rustling.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 251, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 205. Relating to taxation: exempting the Episcopal Foundation of Jefferson County and the Alabama Heart Association and their property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Messrs. Owens, Hardin and Jackson.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hawkins, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 205, the title of which is set out in the foregoing Message from the House.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Fine	Horne	Melton
Bailes	Foshee	King	Owen
Baker	Gilmore	Lindsey	Pelham
Branyon	Givhan	Littleton	Shelby
Carr	Harris	Lybrand	Vacca
Clark	Hawkins	McLain	Wilder
Cook			

—24

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Hawkins, Bailes and Baker.

RESOLUTION

Messrs. Givhan, Bailes, Baker, Carr, Clark, Cook, Dominick, Dozier, Edington, Fine, Foshee, Gilmore, Harris, Hawkins, Horne, Jones, King, Lindsey, Littleton, Lybrand, McLain, Malone, Melton, Noonan, O'Bannon, Owen, Pelham, Pierce, Register, Shelby, Vacca, Weaver, Wilder and Wilson offered the following Senate Joint Resolution, to-wit:

S. J. R. 125. COMMENDING SENATOR JAMES A. BRANYON

WHEREAS Senator James Alexander Branyon II is currently serving his sixth consecutive term in the Legislature of Alabama after having been first elected to the House of Representatives in 1951 where he served continuously until 1966 when he was elected to the Senate for the Tenth Senatorial District and was reelected in 1970; and

WHEREAS Senator Branyon, being the son of Dr. A. C. and Martha (Wilkerson) Branyon, is a descendant of families long prominent in the history of this state, and is a gentleman who has held high the precepts and examples of his ancestors; and

WHEREAS Senator Branyon was educated in the public schools of Fayette and was graduated from the University of Alabama after which he organized an oil and gas business in 1927 in Fayette, in which business he continues as an oil jobber; and

WHEREAS Senator Branyon served for eighteen months during World War II and continued his military career as a member of the Alabama Air National Guard; he was called to active duty for one year during the Berlin crisis in 1961 as a Lieutenant Colonel, during which time he served in France, and subsequently rose to the rank of Brigadier General prior to his enforced retirement following a 1972 heart attack when he would have been otherwise eligible for retirement a few months thereafter; and

WHEREAS Senator Branyon is married to the former Edwyna Walker of Fayette and they are the parents of one son, Mr. James Walker Branyon, also of Fayette; and

WHEREAS Mr. Branyon is held in the highest esteem and affection by his colleagues who recognize him as a man of high principles and strict integrity and one who has contributed greatly to the State of Alabama by his sound judgment of legislative matters; and

WHEREAS Senator Branyon is a Baptist, Mason, Shriner and member of the V. F. W., American Legion, Air Force Retired Reserve, Farm Bureau, Cattlemen's Association, Fayette County Historical Society and Rotary Club, to each of which organizations he has served with ability and dedication; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we highly commend Senator Branyon for his outstanding contribution to his community and to his State and Nation. We assure him of our highest esteem and sincere affection, and wish for him many more years of happiness and continued success.

RESOLVED FURTHER that a copy of this resolution be presented to Senator Branyon.

On motion of Mr. Givhan, the Rules were suspended, and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 284. To provide for the creation, staffing, and functioning of a fiscal office to serve both houses of the Legislature and the members thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Dominick, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 284, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. 284

Strike out Section 1 in its entirety and insert in lieu thereof the following:

Section 1. There is hereby created a fiscal office for the Alabama Legislature which shall be under the supervision, direction and control of an officer designated as the director of the fiscal office. Such office shall supercede the fiscal office for the Senate created by S. R. 8 of the 3rd Special Session of 1971, adopted February 2, 1972 (J. p. 671) and the fiscal consultant or statistician provided for in Act No. 48, H. 413 of this current session and his assistant. Such fiscal office for the Senate and the offices of fiscal consultant or statistician to serve the Finance and Taxation Committee of the Senate and the Ways and Means Committee of the House of Representatives and his assistant are hereby abolished; and the duties thereof are hereby transferred to the fiscal office for the Legislature hereby established. The Director of this fiscal office shall be appointed by the fiscal committee. The Director may, at his election, participate in any retirement system available to state employees. His salary shall be fixed by such committee at an amount not to exceed \$20,000.00 per annum. He may employ, subject to the provisions of the Merit System Act, such employees as are reasonably needed to effect the purposes of this Act; and he is specifically authorized when, in his opinion, he can thereby serve the legislature better, and when he has the approval of the committee, to employ on a part-time basis, without regard to the state merit system law, such consultants and experts as he deems necessary. Such office shall be separate from and independent of the Legislative Reference Service.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen
Bailes	Foshee	Lindsey	Pelham
Baker	Gilmore	Littleton	Pierce
Branyon	Givhan	Lybrand	Register
Carr	Harris	McLain	Shelby
Clark	Hawkins	Malone	Vacca
Cook	Horne	Melton	Weaver
Dominick	Jones	Noonan	Wilder
Edington			

—32

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Ellis, Waggoner, McMillan, Falkenburg, Wallace, Jones (E), Boles, Timmons, Dill, Doss, Hughes, Boutwell, McNair, Meeks, Weeks and McBride:

H. J. R. 271. COMMENDING THE GIRLS 78 WEST ALLSTAR FAST PITCH SOFTBALL TEAM FOR PLAYING IN THE WORLD SERIES

WHEREAS, 78 West Girls Allstar Fast Pitch Softball team were the City, Metro, State and Invitational tournament champions thereby earning the right to represent Alabama in the Softball World Series, in Kansas City, Kansas, and

WHEREAS, This was 78 West's team and coaches first trip to the Softball World Series where they represented our state well with honor and athletic ability, and

WHEREAS, Alabama beat Tennessee 10-9, New Mexico 16-3, and Missouri 9-6, before losing to Iowa 5-3 and Kansas City 3-1, and

WHEREAS, Coach Obie Evans, Assistant Ollie Jones of Minor Heights and Assistant Alvie Tate of Hillview gave freely of their time to work with these fine young people, and did an outstanding job of coaching, and

WHEREAS, the team of Debbie Tate, Pam Hill, Karen Echols, and Cindy Mann, of Hillview, Pam Cacioppo, Pam Roddy and Paula Smith, of Adamsville, Karen Carden, Donna Carden, Pam Smith, and Karen Irvin, of Graysville, Cheryl Jones, Keri Bradford, Cindy Self, and Kay Durrett, of Minor Heights, and Jeanne Oliver and Debbie Lyons, drafted from Gadsden, represented our state well.

THEREFORE, NOW BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, that these fine young people and their coaches be commended for their exemplary conduct and team spirit in the Fast Pitch World Series, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be sent to the team and their coaches.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Rules were suspended and the Resolution, H. J. R. 271, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Bank, Parker and Robertson:

H. J. R. 249. Designating the street which commences at the point where Ninth Street and Fifteenth Street combine and runs to the Tuscaloosa County line the "Culver Road".

WHEREAS John Culver has contributed immeasurably to the well-being of the people of Tuscaloosa County during his two terms in the State Legislature. Mr. Culver's efforts were most instrumental in securing important highway developments in the county; and

WHEREAS this legislature feels that it should pay tribute to the works of John Culver for he has shown himself to be a member of that great body of good men who dedicate their lives to public service and the betterment of mankind; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we pay tribute to the works of John Culver of Tuscaloosa County and hereby designate that the street in the City of Tuscaloosa that commences where Ninth Street and Fifteenth Street combine and runs to the county line which heretofore has been commonly known as the "Eutaw Highway" shall hereafter be known as the "Culver Road."

BE IT FURTHER RESOLVED, That the Director of the State Highway Department shall be required to erect distinctive and appropriate signs designating said street the "Culver Road."

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Rules were suspended and the Resolution, H. J. R. 249, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. Cottingham and Turner:

H. J. R. 255. Commending George M. Callen of Selma upon the celebration of his 100th birthday.

Also:

By Mr. Turnham:

H. J. R. 256. Commending Mr. P. Lynch Whatley.

Also:

By Mr. Turnham:

H. J. R. 257. Commending Mac Lorendo of the Auburn University football team on his outstanding college football career.

Also:

By Messrs. Waldrop and Carnes:

H. J. R. 258. Commending Sam G. Norris and expressing the good wishes of the legislature upon his retirement.

Also:

By Messrs. Waldrop and Carnes:

H. J. R. 259. Commending certain Gadsden State Junior College students on winning outstanding national honors.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Givhan, the Rules were suspended and the Resolution, H. J. R. 255, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Horne, the Rules were suspended and the Resolutions, H. J. R.'s 256 and 257, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

On motion of Mr. Malone, the Rules were suspended and the Resolutions, H. J. R.'s 258 and 259, set out in the foregoing Message from the House, were concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Hale, Hearn, King, Lutz and Grainger:

H. J. R. 243. WHEREAS The Local Government Study Commission of Madison County was created by legislative act in September 1971 to study local government and to make recommendations for changes and improvements thereto; and

WHEREAS the Commission first met on December 1, 1971 and has conducted 130 consecutive meetings spanning a period of 22 months; and

WHEREAS the nine appointed commissioners have given generously and unselfishly of their time and energy as exemplified by the more than 1600 hours given by the Commission Chairman alone; and

WHEREAS 425 community volunteers contributed tens of thousands of manhours to the study effort constituting the greatest single civic endeavor of this nature in the history of the State of Alabama; and

WHEREAS volumes of data were generated providing comprehensive evaluations of all phases of City and County government;

WHEREAS the Commission's efforts have culminated in the passage of legislation calling for a Charter Commission referendum; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, Do hereby commend the Madison County Local Government Study Commission for its marathon effort during its two years existence and expresses its appreciation to the Commission for the sacrifices made by each of its members and;

BE IT FURTHER RESOLVED that copies of this resolution be sent to each member of the Commission as a visible expression of that appreciation and commendation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. McLain, the Rules were suspended and the Resolution, H. J. R. 243, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. McCorquodale:

House Joint Resolution No. 250. Urging Alabama educators to provide an opportunity for students to begin learning the universal metric system of measurement expected to be adopted officially in the United States in the near future.

WHEREAS, Alabama is one of the nation's fastest growing industrial states, and;

WHEREAS, the United States of America is the only major industrial nation in the world that has not officially adopted the universal metric system as the principal system of measurement, and;

WHEREAS, Alabama and the United States are penalized in commercial transactions with other world powers because of restrictive industrial standards favoring the 90 per cent of the world's people living in nations using the metric system, and;

WHEREAS, the adoption of the metric system by the United States is but a matter of time and legislation is now pending in Congress to make this official, and;

WHEREAS, the metric system would aid the educational process of our state by simplifying the teaching of mathematics, thereby making it easier for students to learn math and mathematics related subjects, and;

WHEREAS, the Alabama Education Association, the National Education Association, and other influential education organizations support the proposal that all students be provided an opportunity to learn the metric system, now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That they call upon the State Board of Education in cooperation with the State Superintendent of Education and the State Department of Education, to initiate programs at the earliest practical opportunity to prepare Alabama's public schools and post secondary institutions to incorporate the metric system into the curriculum of our schools; and be it further

RESOLVED, the copies of this resolution be transmitted to members of the State Board of Education, the State Superintendent of Education, superintendents of city and county boards of education, presidents of post secondary institutions, members of the Alabama Education Study Commission and its staff, members of the Alabama Commission on Higher Education and its staff, and other concerned educational agencies in our state.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pelham, the Rules were suspended and the Resolution, H. J. R. 250, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Downing:

H. J. R. 230. Creating an interim committee to study the purchase system for the Alabama Alcoholic Beverage Control Board.

WHEREAS, there has recently been considerable criticism of the purchase system used by the Alabama Alcoholic Beverage Control Board; and

WHEREAS, other states seem to handle this situation in a different manner; and

WHEREAS, there is great need for study in this sphere of state government; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a six member ABC Purchases Interim Study Commission to be composed of two members of the legislature appointed by the Governor, two members of the legislature appointed by the Lt. Governor and two members of the legislature appointed by the Speaker of the House.

The commission shall choose one of its members as chairman and shall meet at such time and places as the commission shall designate, provided however that any two members may call a meeting at any time by written notice to the other members of the board giving them at least one week's prior notice of the meeting. Two members of the board shall constitute a quorum for the transaction of business and all state records, including but not limited to, all records of the state ABC board shall be made available to the commission on a priority basis.

The commission shall file a written report with the Governor, Lt. Governor, Speaker and the legislature by the tenth legislative day of the Regular Session of 1975 and they shall give a written or oral report at any time requested by the Governor, Lt. Governor or Speaker of the House. Any report made by the commission shall constitute a public record.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 230, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 224. Appointing a joint committee of the legislature to study the problems of the aging and retired people of Alabama.

WHEREAS due to vast improvements in medicine, living conditions and the availability of needed health services, citizens of this State and Nation are living longer and more productive lives; and

WHEREAS this creates many problems and conditions which are new and require different solutions than have been faced by past generations; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Legislative Committee composed of four (4) Representatives appointed by the Speaker of the House, and three (3) Senators appointed by the Lieutenant Governor to study and investigate the problems of the aging and retired people of Alabama and to submit a comprehensive report of its findings and recommendations to the Legislature within ten (10) days after the beginning of the next regular session of the Legislature.

BE IT FURTHER RESOLVED, That the members of the Joint Legislative Committee on Aging and Retired People of Alabama shall select a chairman and a vice-chairman from among their number; that they shall meet from time to time during the interim between regular sessions; that the members of such committee shall serve with compensation; and that the committee shall take such steps as are necessary for the performance of its duties. However, such committee shall meet for not more than twelve (12) days with compensation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 224, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Downing:

H. J. R. 260. Know all men by these presents that

WHEREAS, Our esteemed colleague Clarence Chesnut, Jr. has spent many hours in the preparation and publication of local bills pertaining to his counties, and

WHEREAS, Said bills were introduced both in the House of Representatives and Senate, and

WHEREAS, The Senate bills were passed first thereby, not showing his name as the chief sponsor, and

WHEREAS, The House of Representatives wishes to recognize and congratulate Mr. Chesnut on his integrity, efforts, diligence, and statesmanship by naming said bills in his honor;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, Both Houses thereof concurring, That henceforth, Senate bills 926, 927, 928, and 929 be known as the Clarence Chesnut, Jr. bills.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 260, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Messrs. McCluskey and Smith (P):

H. J. R. 261. Commending Mrs. Alice Washam for a job "well done" as tax assessor of Talladega County.

Also:

By Mr. Callahan:

H. J. R. 262. Commending Beth Barry for her brilliant golf career.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Lybrand, the Rules were suspended and the Resolution, H. J. R. 261, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Pelham, the Rules were suspended and the Resolution, H. J. R. 262, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Culver, Parker, Bank, and Robertson:

H. J. R. 264. Naming the bridge over the Black Warrior River on Interstate 59 near Fosters the "Lurleen B. Wallace Bridge".

WHEREAS Fosters, Alabama is the birthplace of our beloved and esteemed late Governor Lurleen B. Wallace; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING That the bridge over the Black Warrior River on Interstate 59 near Fosters is hereby designated as the "Lurleen B. Wallace Bridge" and the State Highway Department shall cause appropriate signs and markers to be erected.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Pelham, the Rules were suspended and the Resolution, H. J. R. 264, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Turnham:

H. J. R. 234. Urging the election of Mrs. Ara Belle Walker as national first vice president of the American Business Women's Association.

WHEREAS, Mrs. Ara Belle Walker of Smith, Alabama, has performed her duties as Southeastern District Vice President of the American Business Women's Association in an excellent manner; and

WHEREAS, this lovely and gracious lady has contributed immeasurably to the activities of the state and local branches of the American Business Women's Association. Among the many offices which she has held are Recording Secretary, Vice President, President, Boss Night Chairman, Publicity Chairman, Ways and Means Committee, Bulletin Committee, Torchbearer-Friendship-Expansion Chairman, Voting Delegate to the National Convention. In addition, she has attended all National Conventions of the Association since she became a member five years ago and has a five year perfect attendance record for all state and local association meetings; and

WHEREAS, Mrs. Walker has been honored as "Woman of the Year" and is listed in the "Personalities of the South". She takes a lively and active interest in all local civic activities and puts her deep religious faith to work by serving as Secretary of her Church. Associated with the Phenix City Housing Authority for the past 21 years, she is considered an excellent asset to that organization; and

WHEREAS, we feel that Mrs. Ara Belle Walker is the most logical choice for National First Vice President of the American Business Women's Association and we strongly urge her fellow association members through the nation to place their stamp of approval on her election to this esteemed national office; and

WHEREAS, she has demonstrated a deep sensitivity toward all people who have crossed her path. Her deep concern for her fellow citizens reflects much honor upon her and her native state; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend a marvelous lady, Mrs. Ara Belle Walker, for the excellent manner in which she performs in all her endeavors and we urge her election as National First Vice President of the American Business Women's Association.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Ara Belle Walker and the Phenix City Charter Chapter of the American Business Women's Association.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Horne, the Rules were suspended and the Resolution, H. J. R. 234, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

ADOPTION OF RESOLUTIONS

The Resolutions:

H. J. R. 244. Mourning the death of William Whitt Cardwell.

Also:

H. J. R. 245. Mourning the death of Judge Emmett Franklin Hildreth

Also:

H. J. R. 246. Commending Professor George W. Hargreaves.

Also:

H. J. R. 248. Commending John B. Hadley for his contributions and dedicated service to Baldwin County.

were again read and, on motion of Mr. Pelham, were adopted by the Senate.

BILL RECONSIDERED

On motion of Mr. Baker, the Senate reconsidered the vote by which the Bill:

H. 3. To amend Section 1 of Acts No. 2128, S. 5, 1971 Regular Session approved September 20, 1971, entitled "To provide sales and use tax exemptions for certain medicines purchased by prescription," so as to extend the tax exemption to persons who are retired due to permanent and total disability, regardless of age, and to give the Commissioner of the State Department of Revenue certain duties and powers in connection therewith.

was passed.

On motion of Mr. Baker, the Senate reconsidered the vote by which the Bill, H. B. 3, was ordered to its third reading.

Mr. Baker then offered the following substitute for the Bill, H. B. 3, to-wit:

SUBSTITUTE FOR H. B. 3

A BILL TO BE ENTITLED AN ACT

To amend Section 1 of Act No. 2128, S. 5, 1971 Regular Session approved September 20, 1971, entitled "An Act To provide sales and use tax exemptions for certain medicines purchased by prescription," so as to extend the tax exemption to persons who are retired due to perma-

ment and total disability, regardless of age, or who are blind regardless of age or whether such person is retired, and to give the Commissioner of the State Department of Revenue certain duties and powers in connection therewith.

Be It Enacted by the Legislature Of Alabama:

Section 1. Section 1 of Act No. 2128, S. 5, 1971 Regular Session approved September 20, 1971, is hereby amended to read as follows:

"Section 1. The gross proceeds of the sale or sales of all medicines prescribed by physicians for either internal or external use and purchased by prescription order or orders bearing a certificate of the physician issuing such prescription order or orders that the person for whom the drugs were prescribed is 65 years of age or older, or retired due to a permanent and total disability, regardless of age, or who is blind as defined in Code of Alabama 1940, Title 1, Section 2(1), regardless of age or whether such person is retired, filled by licensed pharmacists shall be exempted from the computation of the amount of tax levied, assessed or payable under the provisions of the state sales tax law, Act No. 100, H. 94, Second Special Session 1959 (Acts 1959, p. 298), as amended, or under any county or municipal sales tax law; and all such medicines shall likewise be exempted from the operation of the state use tax law levied by Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as amended, or by any municipal or county use tax law. The exemptions provided in this Act shall not apply to any medicine purchased in any manner other than as herein provided.

"The Commissioner of the State Department of Revenue is hereby authorized and empowered to define and specify the condition or state of health that make a person 'permanently and totally disabled' and may issue certificates of disability to such persons as he may find meet such specifications. Any person who is drawing any pension or annuity from the armed services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the State Commissioner of Revenue."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Edington	King	Owen
Bailes	Fine	Littleton	Pelham
Baker	Foshee	Lybrand	Pierce
Branyon	Gilmore	McLain	Shelby
Carr	Harris	Malone	Vacca
Clark	Hawkins	Noonan	Weaver
Cook	Jones	O'Bannon	Wilder
Dozier			

—28

Nays:

—0

And said Bill, H. B. 3, as thus amended by the substitute, was again read a third time at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Branyon	Cook	Edington
Bailes	Carr	Dominick	Fine
Baker	Clark	Dozier	Foshee

Gilmore
Harris
Hawkins
Jones
King

Littleton
Lybrand
McLain
Malone
Melton

Noonan
O'Bannon
Owen
Pelham
Pierce

Shelby
Weaver
Wilder
Wilson

—30

Nays:

—0

BILL RECONSIDERED

On motion of Mr. Baker, the Senate reconsidered the vote by which the Bill:

H. 4. To amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from State ad valorem taxes, so as to provide additional exemptions for persons who are retired due to permanent and total disability, regardless of age, and to give the State Commissioner of Revenue certain powers and duties in connection therewith.

was passed.

On motion of Mr. Baker, the Senate reconsidered the vote by which the Bill, H. B. 4, was ordered to its third reading.

Mr. Baker then offered the following substitute for the Bill, H. B. 4, to-wit:

SUBSTITUTE FOR H. B. 4

A BILL TO BE ENTITLED AN ACT

To amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from State ad valorem taxes, so as to provide additional exemptions for persons who are retired due to permanent and total disability, regardless of age, or who are blind regardless of age or whether such person is retired, and to give the State Commissioner of Revenue certain powers and duties in connection therewith.

Be It Enacted by the Legislature Of Alabama:

Section 1. The Code of Alabama 1940, Title 51, Section 15, as amended, is amended to read as follows:

"Section 15. Homesteads, as defined by the constitution and laws of Alabama, are hereby exempted from all state ad valorem taxes. In no case shall the exemption herein made apply to more than one person, head of the family, nor shall the said exemption exceed two thousand dollars in assessed value, nor one hundred sixty acres in area for any resident of this state who is not over sixty-five years of age. For residents of this state, over sixty-five years of age, or who are retired due to permanent and total disability, regardless of age, or who are blind as defined in Code of Alabama 1940, Title 1, Section 2(1), regardless of age or whether such person is retired, the said exemption shall not exceed five thousand dollars in assessed value, nor one hundred sixty acres in area.

"The Commissioner of the State Department of Revenue is hereby empowered to define and specify the condition or state of health that make a person 'permanently and totally disabled' and may issue certificates of disability to such person as he may find meets such specifications. Any person who is drawing any pension or annuity from the armed

services or a company or governmental agency as being permanently and totally disabled shall automatically be granted a certificate of permanent and total disability by the State Commissioner of Revenue."

Section 2. The provisions of this Act shall become effective for the tax year beginning October 1, 1972, and for each subsequent year. /

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce	
Bailes	Foshee	McLain	Register	
Baker	Gilmore	Malone	Shelby	
Branyon	Harris	Melton	Vacca	
Carr	Horne	Noonan	Weaver	
Clark	Jones	O'Bannon	Wilder	
Dominick	King	Owen	Wilson	
Edington	Littleton			—29

Nays: —0

And said Bill, H. B. 4, as thus amended by the substitute, was again read a third time at length and passed.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	McLain	Pierce	
Bailes	Foshee	Malone	Register	
Baker	Gilmore	Melton	Shelby	
Carr	Horne	Noonan	Vacca	
Clark	Jones	O'Bannon	Weaver	
Dominick	King	Owen	Wilder	
Dozier	Littleton	Pelham	Wilson	
Edington	Lybrand			—29

Nays: —0

MOTION IN WRITING

Mr. Dominick offered the following Motion in Writing, to-wit:

"I move that the following named Senators be elected to serve as the Senate members to the Joint Fiscal Advisers Committee as established by Senate Bill 284.

RICHARD DOMINICK

AUBREY CARR

JOHN BAKER

ROBERT WILDER."

And said Motion in Writing was then adopted by the Senate.

Mr. Harris moved that the Senate reconsider the vote by which the foregoing Motion in Writing was adopted.

On motion of Mr. Dominick, the motion to reconsider was laid on the table.

Yeas 15; Nays 7.

Yeas:

Messrs.:	Edington	Hawkins	McLain	
Bailes	Fine	King	Pierce	
Carr	Foshee	Lindsey	Shelby	
Dominick	Gilmore	Lybrand	Wilder	—15

Nays:

Messrs.:	Harris	Melton	Weaver	
Clark	Horne	Owen	Wilson	—7

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee on Conference on the House amendment to the bill:

S. 848. To provide for supplementing the salary or compensation paid to retired or supernumerary Circuit Judge having more than eighteen (18) years continuous service in office, as a Circuit Judge in the 31st Judicial Circuit of Alabama, consisting of Colbert County, and to provide an office in the Courthouse for such Judge.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Hill, Coshatt and Reynolds.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 118. Mourning the death of James W. Oakley, Sr.

Also:

S. J. R. 119. Mourning the death of Frank P. Samford.

Also:

S. J. R. 120. Observing the 10th anniversary of the USS Alabama Battleship Commission

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1145. To regulate the change of zoning classification by the governing bodies of counties having a population in excess of 600,000 according to the last or any subsequent Federal Decennial census and by the governing bodies of municipalities located in such counties; to provide for notice of a proposed change in zoning classification to be given

to the owners of property located within 500 feet from the property which is the subject of the proposed change and by placing a sign upon the property which is the subject of the proposed change; to authorize any property owner receiving notice of a proposed change in zoning classification to protest such proposed change; and, to provide that in the event a protest should be filed with respect to any proposed change in zoning classification by fifty percent or more of the property owners receiving such notice, such change shall not be effected without the affirmative vote of a minimum of two-thirds of the members of such governing body.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 653. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945, p. 478), an act providing for appointment and designation of Supernumerary Circuit Judges.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 878. Relating to all counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census, setting the salary for the County Solicitor or Deputy District Attorney.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Baker, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 878, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. 878

Amend S. 878, Section 1 by deleting the words "county governing body" in line 5 and insert in lieu thereof the following words: "District Attorney serving such counties".

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce
Bailes	Gilmore	McLain	Register
Baker	Givhan	Malone	Vacca
Carr	Harris	Noonan	Weaver
Clark	Horne	O'Bannon	Wilder
Cook	Jones	Pelham	Wilson
Dozier	Lindsey		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 1189. Said Conference Report being in words and figures, as follows:

REPORT OF COMMITTEE ON CONFERENCE
ON HOUSE BILL 1189

We, the committee of conference appointed to reconcile the differences between the two houses concerning the bill, H. B. 1189, with Senate amendment, have met and considered the matter referred and beg leave to report as follows:

Amend House Bill 1189 in Section 1, paragraph "Section 4" by deleting the words and figures "Twenty-four Thousand (\$24,000) Dollars" and inserting in lieu thereof the words and figures "Twenty-two Thousand Two Hundred (\$22,200) Dollars."

Also amend in Section 3 by deleting the words and figures "January 1, 1977" and inserting in lieu thereof the following words and figures: "January 1, 1974".

E. HUBERT GILMORE
GEORGE LEWIS BAILES
RICHARD DOMINICK
Conferees on the part of the Senate

ROBERT C. GAFFORD
PAUL MEEKS, JR.
CHRISS H. DOSS
Conferees on the part of the House

And said bill:

H. 1189. To amend Section 4, Act No. 571, Acts of Alabama 1967, page 1324, approved September 8, 1967, to further provide for the compensation of the Assistant or Associate Judge of Probate in counties having 600,000 or more population.

as amended by the report of the Committee on Conference, was again read and passed by a vote of: Yeas 70; Nays 0.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1189, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:
Bailes

Branyon
Carr

Cook
Dominick

Edington
Foshee

Gilmore	Lindsey	O'Bannon	Shelby	
Harris	Littleton	Owen	Vacca	
Hawkins	McLain	Pelham	Wilder	
Jones	Malone	Pierce	Wilson	
King	Noonan			—25
<i>Nays:</i>				—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 1207. To amend Section 4.06 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, Approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE
ON HOUSE BILL 1207

We, the committee of conference appointed to reconcile the differences between the two houses concerning the Bill, H. B. 1207, have met and considered the matter referred and beg leave to report that we concur with the Senate amendment.

Conferees on the part of the HOUSE:

DRAKE BOUTWELL

BOB ADWELL

CHRISS H. DOSS

Conferees on the part of the SENATE:

GEORGE L. BAILES

JOHN HAWKINS

EDDIE HUBERT GILMORE

And said bill as thus amended by the Report of the Committee of Conference was again read at length and passed.

And said bill, together with the Report of the Committee of Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailes, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1207, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Branyon	Cook	Edington
Bailes	Carr	Dominick	Fine

Gilmore
Givhan
Harris
Hawkins
Jones

King
Lindsey
Lybrand
McLain
Melton

Noonan
O'Bannon
Pelham
Register

Vacca
Weaver
Wilder
Wilson

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1522, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill Number 1522, without the Governor's approval.

Respectfully submitted,

HARRY L. PENNINGTON
Executive Secretary

DONE THIS 30TH DAY OF AUGUST, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

At the request of the sponsors, I am returning to you, the Body in which it originated, House Bill Number 1522, without my signature and approval, and with a suggested Executive Amendment.

It is suggested that Section 17 of said bill be deleted and that the following be substituted:

"Section 17. This Act shall take effect on October 1, 1973 and its approval by the Governor, or upon its otherwise becoming law."

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE
Governor

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1522, by a vote of Yeas 64; Nays 0, which was a majority of the whole number elected to the House.

And said Bill:

H. 1522. To establish an intermediate court in Madison County, Alabama, in lieu of all other intermediate or inferior courts created in

lieu of justices of the peace heretofore created in said County, said Court to be called the General Sessions Court of Madison County; to define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judges, Clerk, and other officers of said court; to fix the terms of tenure of office of the officers of said court and provide for their salaries and compensation and the methods of payment of same; to designate the officials to serve processes issued by said court, and define their duties and the duties of other officials with respect to said court; and, to otherwise provide for said court.

As amended by the amendment proposed by His Excellency, the Governor, was again read and passed by a vote of Yeas 63, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. McLain, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1522, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	King	O'Bannon	
Bailes	Fine	Lindsey	Pelham	
Branyon	Gilmore	Littleton	Register	
Carr	Givhan	McLain	Shelby	
Clark	Harris	Melton	Wilder	
Dominick	Hawkins	Noonan	Wilson	
Dozier	Jones			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1522, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Foshee	Littleton	Register	
Branyon	Gilmore	McLain	Shelby	
Carr	Harris	Melton	Vacca	
Clark	Hawkins	Noonan	Wilder	
Dominick	Jones	O'Bannon	Wilson	
Dozier	King			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill,

H. 1353, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor returning House Bill Number 1353 without his approval.

Respectfully submitted,

HARRY L. PENNINGTON
Executive Secretary

DONE THIS 30TH DAY OF AUGUST, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1353, without my approval and with a suggested Executive Amendment, which will correct an apparent typographical mistake allowing the Clerk of the Intermediate Court to be paid no more than \$6,800.00".

It is, therefore, suggested that in Section 2 following the words "For the clerk", the figure \$6,800.00" be deleted and the figure "\$6,800.00" be substituted thereof.

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE
Governor

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1353, by a vote of Yeas 62, Nays 0, which was a majority of the whole number elected to the House.

And said Bill:

H. 1353. To establish, in Cullman County, a clerk of the intermediate court, to provide for a deputy clerk and assistant clerks in such office, to provide for salaries of such clerks and to provide for equipment and other necessary expenses for such office.

As amended by the amendment proposed by His Excellency, the Governor, was again read and passed by a vote of Yeas 60, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Wilson, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1353, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Foshee	Lybrand	Pierce	
Baker	Gilmore	McLain	Shelby	
Carr	Harris	Melton	Vacca	
Clark	Hawkins	Noonan	Weaver	
Cook	Jones	Owen	Wilson	
Dozier	King			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1353, as thus amended by the Executive Amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Foshee	Lybrand	Pierce	
Branyon	Givhan	McLain	Register	
Carr	Harris	Melton	Vacca	
Cook	Hawkins	Noonan	Weaver	
Dominick	Jones	Owen	Wilson	
Dozier	King			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 618. To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties.

by a vote of a majority of the whole number elected to the House, said vote being Yeas 57, Nays 0.

And said Bill, S. 618, as thus amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being Yeas 60, Nays 0.

And said Bill, S. 618, as thus amended by the Executive Amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1822, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor returning House Bill Number 1822 without his approval.

Respectfully submitted,

HARRY L. PENNINGTON
Executive Secretary

DONE THIS 30TH DAY OF AUGUST, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1822, without my approval and with a suggested Executive Amendment.

The first sentence of the bill erroneously refers to Section 82 of Title 11, Code of Alabama 1940, which is an apparent typographical error.

It is, therefore, suggested that the bill be amended as follows:

Delete the words "Section 82" immediately following the words "Title 11", and in lieu thereof substitute the words "Section 81".

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE
Governor

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1822, by a vote of Yeas 58, Nays 0, which was a majority of the whole number elected to the House.

And said Bill:

H. 1822. Relating to counties having a population not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; To amend Title 11, Section 81, Code of Alabama 1940 as recompiled in 1958; to provide for collection of fees in certain misdemeanor cases where defendant pleads guilty.

As amended by the amendment proposed by His Excellency, the

Governor, was again read and passed by a vote of Yeas 58, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. McLain, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1822, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Fine	Littleton	Register	
Baker	Gilmore	McLain	Shelby	
Branyon	Harris	Melton	Weaver	
Clark	Hawkins	Noonan	Wilder	
Cook	Jones	O'Bannon	Wilson	
Dominick	King			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1822, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Fine	Littleton	Register	
Baker	Gilmore	McLain	Shelby	
Branyon	Givhan	Melton	Vacca	
Clark	Hawkins	O'Bannon	Wilder	
Cook	Horne	Owen	Wilson	
Dominick	King			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 895. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing an annual expense allowance for the sheriff of such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 895, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 895

Strike out Section 1 in its entirety and insert in lieu thereof the following:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, in the discretion of the county governing body the sheriff of such counties may receive an annual expense allowance of not more than two thousand dollars (\$2,000), the exact amount thereof to be fixed by such county governing body. Such allowance shall be in addition to any and all other compensation and allowances presently provided by law, and shall be payable in equal monthly installments.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pierce	
Bailes	Gilmore	McLain	Register	
Branyon	Harris	Malone	Shelby	
Carr	Hawkins	Melton	Vacca	
Cook	Jones	Noonan	Wilder	
Dominick	King	Owen	Wilson	
Edington	Lindsey			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 757. Applicable to any county having a population of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to provide that charitable funds contributed to such county may be used to carry out the provisions of Act No. 394, H. 204, Regular Session 1957 (Acts 1957, p. 539).

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Givhan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 757, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 757

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to authorize the governing body to use funds donated for hospital service

to indigents for matching funds under the provisions of Act No. 394, H. 204, Regular Session 1957 (Acts 1957, p. 539) and for matching any other state or federal funds available for hospital service to indigents.

Be It Enacted by the Legislature Of Alabama:

Section 1. The governing body of any county having a population of not less than 54,500 nor more than 56,000, according to the most recent federal decennial census, is hereby authorized to use and appropriate any funds donated or contributed to the county for the specified purpose of hospital service to indigents for matching funds under the provisions of Act No. 394, H. 204, Regular Session 1957 (Acts 1957, p. 539) and for matching any other state or federal funds available for hospital service to indigents.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pelham
Bailes	Foshee	McLain	Pierce
Branyon	Givhan	Malone	Shelby
Carr	Hawkins	Melton	Vacca
Cook	Horne	O'Bannon	Wilder
Dominick	Jones	Owen	Wilson
Edington	Lindsey		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 162. To amend Section 333 of Title 52 of the Code of Alabama, Recompiled 1958 and 1969, which provides for the charging of a fee for the issuance of teacher certificates and sets the amount of the fee and for the repeal of Section 350 of Title 52, Code of Alabama, Recompiled 1958 and 1969, providing for the disposition of fees paid by the applicants for teachers certificates.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hawkins, the Senate non-concurred in the following House amendment to the Bill, S. B. 162, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 162

Amend S. B. 162 by adding the following:

(a). Upon the payment of the fee herein provided and upon the compliance with the other requirements for said certificate, the superintendent of education shall, within twenty (20) days following compliance by the applicant with the applicable requirements for issuance of said certificates, issue said certificate. If the superintendent of education shall fail to issue said certificate within said period following such compliance by the applicant, said superintendent and any other employee of the state department of education responsible for the failure to issue said certificate shall be guilty of a misdemeanor and shall, upon conviction, be fined not less than \$100.00 nor more than \$300.00.

and requested a Committee on Conference.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Hawkins, Lybrand and Register.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 669. Relating to counties having a population of not less than 57,000 nor more than 61,000; authorizing the county governing body of such counties to provide the bailiff of the Circuit Court of such counties additional compensation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 669, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. 669

A BILL TO BE ENTITLED AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000; authorizing the county governing body of such counties to provide additional compensation or allowances to certain officers of the circuit courts of such counties.

Be It Enacted by the Legislature Of Alabama:

Section 1. In its discretion, the governing body of any county having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, is hereby authorized to provide the bailiff of the Circuit Court additional compensation not to exceed \$2,400 per year to be paid in equal monthly installments, and to provide an expense allowance of not more than \$100 per month to the circuit judge or judges of the circuit court of such counties. The exact amount of such compensation and allowances shall be fixed by such governing body. Such amounts shall be paid out of the general fund of such counties. The allowance herein provided shall be in addition to any other salary, allowances or other compensation provided by law to the bailiff or to the judge or judges of the Circuit Court of such counties.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen	
Bailes	Foshee	Lybrand	Pierce	
Branyon	Givhan	McLain	Register	
Clark	Harris	Malone	Vacca	
Cook	Hawkins	Melton	Wilder	
Dozier	Jones	Noonan	Wilson	
Edington	King			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 780. To authorize the district attorney of the Ninth Judicial Circuit to appoint one full-time and one part-time deputy district attorney, and to prescribe their duties; to fix their compensation and the manner of its payment.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Baker, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 780, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE TO S. B. 780

A BILL TO BE ENTITLED AN ACT

To authorize the district attorney of the Ninth Judicial Circuit to appoint two part-time deputy district attorneys, and to prescribe their duties; to fix their compensation and the manner of its payment.

Be It Enacted by the Legislature Of Alabama:

Section 1. The district attorney of the Ninth Judicial Circuit of Alabama may appoint two part-time deputy district attorneys who shall serve at the pleasure of the district attorney.

Section 2. One deputy district attorney shall reside in and maintain his main office in the more populous county of the circuit, and shall be paid an annual salary of \$4,800. The other deputy district attorney

ney shall reside in the less populous county of the circuit and, shall be paid an annual salary of \$2,400. The salaries herein provided shall be paid out of the state treasury in the same manner as other state officers are paid and shall be in addition to any amounts paid by the respective counties as provided by law. Either deputy district attorney may serve as the County District Attorney (County Solicitor) in the county where he resides.

Section 3. Either of the deputy district attorneys whose appointment is herein authorized may perform any of the duties which the district attorney can perform when any such duty is assigned to him by the district attorney, and said deputy district attorneys shall perform other duties assigned to them by the district attorney.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are repealed.

Section 6. This act shall become effective January 1, 1974.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pierce	
Bailes	Gilmore	McLain	Shelby	
Baker	Givhan	Melton	Vacca	
Carr	Harris	Noonan	Weaver	
Clark	Horne	O'Bannon	Wilder	
Dominick	King	Pelham	Wilson	
Dozier	Lindsey			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 863. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 863, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. 863

Amend S. 863 by substituting therefor the following:

A BILL TO BE ENTITLED AN ACT

Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs ap-

pointed by any circuit judge of the judicial circuit in which such county lies.

Be It Enacted by the Legislature Of Alabama:

Section 1. In all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census, each bailiff appointed by a circuit judge of the judicial circuit in which such county lies, shall be entitled to receive out of the treasury of the county a salary of not less than \$4,800 nor more than \$7,200 per annum with the exact amount to be fixed by the judge making the appointment. Such salaries shall be paid in equal monthly installments in the same manner as other county employees are paid.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	O'Bannon
Bailes	Edington	Lindsey	Pelham
Baker	Fine	Lybrand	Register
Branyon	Gilmore	McLain	Shelby
Clark	Givhan	Melton	Weaver
Cook	Hawkins	Noonan	Wilson
Dominick	Horne		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 866. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salary of the clerical assistant to the district attorney of the judicial circuit in which such county lies.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 866, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. 866

Amend S. 866 by substituting therefor the following:

A BILL
TO BE ENTITLED
AN ACT

Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salary of the clerical assistant to the district attorney of the judicial circuit in which such county lies.

Be It Enacted by the Legislature Of Alabama:

Section 1. In all counties having populations of not less than 65,000 nor more than 68,000, according to the most recent federal decennial census, the clerical assistant to the district attorney of the judicial circuit in which such county lies, shall be entitled to receive a salary of not less than \$4,800 nor more than \$7,200, with the exact amount to be fixed by the district attorney. Such salary shall be paid in equal monthly installments out of the county treasury in the same manner as other county employees are paid.

Section 2. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pelham
Bailes	Gilmore	Lybrand	Pierce
Branyon	Givhan	Malone	Register
Carr	Hawkins	Melton	Shelby
Cook	Horne	O'Bannon	Weaver
Dominick	Jones	Owen	Wilson
Edington	Lindsey		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 777. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing an additional expense allowance for the county solicitor of such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate non-concurred in the following House amendment to the Bill, S. B. 777, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 777

Strike out Section 1 in its entirety and insert in lieu thereof the following:

Section 1. In counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, in the discretion of the county governing body, the county solicitor may be entitled to receive an expense allowance from the general funds of such counties of not more than \$100.00 per month, the exact amount thereof to be fixed by the county governing body. The allowance herein provided shall be in addition to any and all other such expense allowances heretofore provided by law.

and requested a Committee on Conference.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Owen, Fine and Foshee.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 778. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing for an additional clerk hire allowance for the offices of probate court within such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 778, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. 778

Strike out Section 1 in its entirety and insert in lieu thereof the following:

Section 1. In counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, in the discretion of the county governing body, the judge of probate may be entitled to receive not more than \$15,000 annually out of the general funds of the county as a clerk hire allowance; the exact amount thereof to be fixed by such governing body. Said allowance shall be in addition to any and all other such allowances heretofore provided by law.

AMENDMENT TO S. B. 778, AS AMENDED

In Section 1 of the bill as amended, strike out the amount of "\$15,000" and insert in lieu thereof the following: \$16,000.

Yeas 25; Nays 0.

Yeas:

Messrs.:
Bailes

Baker
Carr

Clark
Dominick

Edington
Foshee

Gilmore
Givhan
Hawkins
Jones
King

Lindsey
Littleton
Lybrand
Malone
Melton

Noonan
Owen
Pierce
Register

Shelby
Vacca
Wilder
Wilson

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Gafford and Boles:

H. J. R. 252. Expressing the regret of the legislature upon the death of Vasser Calvin Hartley.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 252, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1809, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill Number 1809, without the Governor's approval, and with a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON
Executive Secretary

DONE THIS 5TH DAY OF SEPTEMBER, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1809 without my approval and with a suggested Executive Amendment.

It is suggested that that portion of the title which reads as follows be deleted:

"(Acts 1969, Regular Session, p. 794)" and substituted therefor the following:

"(Acts 1969, Regular Session, p. 763)".

It is further suggested that the following be deleted:

"Section 1. Section 1 of Act No. 286, H. 960, Regular Session 1962 (Acts 1969, Regular Session, p. 764) is hereby amended to read as follows:"

and the following substituted therefor:

"Section 1. Section 1 of Act No. 386, H. 960, Regular Session 1969 (Acts 1969, Regular Session, p. 763) is hereby amended to read as follows:"

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE
Governor of Alabama

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1809, by a vote of Yeas 58, Nays 0, which was a majority of the whole number elected to the House.

And said Bill:

H. 1809. To amend Act No. 386, H. 960, Regular Session 1969 (Acts 1969, Regular Session, p. 794) so as to increase the compensation of the Judge of the Inferior Court of Geneva County.

As amended by the amendment proposed by His Excellency, the Governor, was again read and passed by a vote of Yeas 62, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Dozier, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1809, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pierce
Bailes	Gilmore	McLain	Shelby
Baker	Harris	Malone	Vacca
Branyon	Hawkins	Noonan	Weaver
Clark	Jones	O'Bannon	Wilder
Cook	King	Pelham	Wilson
Dozier	Lindsey		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1809, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lybrand	Pierce	
Bailes	Gilmore	McLain	Shelby	
Baker	Givhan	Malone	Vacca	
Branyon	Hawkins	Noonan	Weaver	
Clark	Horne	O'Bannon	Wilder	
Cook	King	Pelham	Wilson	
Dozier	Lindsey			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

FURTHER CONSIDERATION OF S. R. 61

The Senate proceeded to further consideration of the Resolution:
S. R. 61—Rescinding S. R. 47.

said Resolution having been reported favorably from the Standing Committee on Rules and postponed on the Thirty-Fifth Legislative Day.

Mr. Baker offered the following substitute for the Resolution, S. R. 61, to-wit:

SUBSTITUTE FOR S. R. 61

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA, That S. R. 47 by Senator Wilson providing that all Senate business be transacted between the hours of 8:30 A.M. and 5:00 P.M. be, and the same hereby is, suspended for the thirty-sixth legislative day only of the Regular Session of 1973.

Which was adopted.

And said Resolution, as thus amended by the substitute, was then adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and sends same herewith to the Senate:

S. 523. To name and designate a certain structure in the Alabama Heart Hospital at the Medical Center of the University of Alabama in Birmingham as the "Spain Tower."

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 107. To further amend Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, entitled "An Act to create a Board to be

known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082, and by Act No. 1051, Acts of Alabama, 1969 Regular Session, page 1965.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Littleton, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 107, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 107

Amend Section 1, subsection (b) by deleting subsection (b) and place in lieu thereof the following:

(b) The application of Forestry principles and procedures on any timberlands, woodlands or forest in which any person, firm, partnership or corporation owns an interest; or persons, firms, partnerships and corporations having the right to manage and administer forestlands in any legal manner.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dominick	Lindsey	Owen
Bailes	Dozier	Littleton	Pelham
Baker	Edington	Lybrand	Pierce
Branyon	Fine	McLain	Register
Carr	Harris	Melton	Vacca
Clark	Hawkins	Noonan	Wilder
Cook	King	O'Bannon	Wilson

—27

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee of Conference on the disagreement of the two Houses on the bill:

S. 162. To amend Section 333 of Title 52 of the Code of Alabama, Recompiled 1958 and 1969, which provides for the charging of a fee for the issuance of teacher certificates and sets the amount of the fee and for the repeal of Section 350 of Title 52, Code of Alabama, Recompiled 1958 and 1969, providing for the disposition of fees paid by the applicants for teachers certificates.

And the Speaker of the House has named as Conferees on the part of the House Messrs. McBride, Cauthen and Boles.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 644, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill No. 644, without the Governor's approval, and with a suggested Executive Amendment.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 5 DAY OF AUGUST, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 644, without my approval and with the following suggested Executive Amendment:

Strike out Sections 1 and 2 in their entirety and insert in lieu thereof the following:

Section 1. Section 8 of Act No. 40, S. 4, Second Special Session 1956 (Acts 1956, p. 328), as amended, is further amended to read as follows:

"Section 8. The court of General Sessions of Mobile County shall have and exercise civil jurisdiction in Mobile County concurrently with the Circuit Court of Mobile County in all civil matters where the amount in controversy does not exceed one thousand five hundred dollars and in addition shall have jurisdiction over all civil matters where the amount in controversy is not more than fifty dollars. The court shall also have jurisdiction in matters pertaining to forcible entry and detainer, and unlawful detainer, where the real property lies anywhere within the limits of Mobile County, Alabama. The Court shall not have jurisdiction in equity nor of actions of libel, slander, assault and battery, ejectment and actions in the nature of ejectment. Nothing in this Act shall be construed to give the judges of the Court of General Sessions of Mobile County any authority to grant writs of certiorari, supersedeas, quo warranto, prohibition mandamus, injunction or ne exeat.

"All initial pleadings shall be in as simple a form as possible and shall be liberally construed so as to do substantial justice and all responsive pleadings shall be in short by consent."

Also renumber Sections 3 and 4, so that they will be Sections 2 and 3, respectively.

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE,
Governor.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 644, by a vote of Yeas 67, Nays 0, which was a majority of the whole number elected to the House.

And said Bill:

H. 644. To amend Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended relating to Courts of General Sessions of Mobile.

As amended by the amendment proposed by His Excellency, the Governor, was again read and passed by a vote of Yeas 68, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Noonan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 644, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pelham	
Bailes	Foshee	Lybrand	Register	
Baker	Gilmore	McLain	Shelby	
Carr	Givhan	Malone	Vacca	
Clark	Hawkins	Noonan	Wilder	
Cook	Jones	Owen	Wilson	
Dominick	Lindsey			—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 644, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cook	Harris	Littleton
Bailes	Dominick	Hawkins	Lybrand
Baker	Edington	Jones	McLain
Branyon	Foshee	King	Malone
Clark	Gilmore	Lindsey	Noonan

Owen	Register	Weaver	Wilson	
Pelham	Vacca			—25
Nays;				—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Bank, Culver, Robertson and Parker:

H. J. R. 278. COMMENDING MRS. SADIE DAVIS FOR A JOB
"WELL DONE"

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Shelby, the Rules were suspended and the Resolution, H. J. R. 278, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 1. To establish a state ethics commission and to provide a state ethics law which requires that certain statements of economic interest be filed by public officials and which prohibits certain practices by public officials which conflict with a proper safeguarding of the public trust. Violations thereof shall be considered a felony. Also relating to the activities, registration, and reporting requirements of persons engaged in activities designed to influence legislation.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

The following House amendment to the Bill, S. B. 1, the title of which is set out in the foregoing Message from the House, was received, to-wit:

HOUSE SUBSTITUTE FOR S. B. 1

A BILL TO BE ENTITLED AN ACT

To establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safe-

guarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units.

Be It Enacted by the Legislature of Alabama:

Section 1.

(a) It is essential to the proper operation of democratic government that public officials be independent and impartial; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for private gain other than the remuneration provided by law; and that there be public confidence in the integrity of government. The attainment of one or more of these ends is impaired whenever there exists a conflict between the private interests of an elected official or a government employee and his duties as such. The public interest, therefore, requires that the law protect against such conflicts of interest and establish appropriate ethical standards with respect to the conduct of elected officials and government employees in situations where conflicts exist.

(b) It is also essential to the proper operation of government that those best qualified be encouraged to serve the government. Accordingly, legal safeguards against conflicts of interest must be so designed as not unnecessarily or unreasonably to impede the recruitment and retention by the government of those men and women who are best qualified to serve it. An essential principle underlying the staffing of our government structure is that its elected officials and employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of such elected officials and employees to the public cannot be avoided.

(c) Also, the legislature hereby declares that the operation of responsible democratic government requires that the fullest opportunity be afforded to the people to petition their government for the redress of grievances and to express freely to individual members of the legislature, to committees of the legislature, and to officials of the Executive branch, their opinions on legislation, on pending executive actions, and on current issues; and that, to preserve and maintain the integrity of the legislative and administrative processes, it is necessary that the identity, expenditures and activities of certain persons who engage in efforts to persuade members of the legislature or the executive branch to take specific actions, either by direct communication to such officials, or by solicitation of others to engage in such efforts, be publicly and regularly disclosed. The provisions of this act shall be liberally construed to promote complete disclosure of all such information and so as to assure that the public interest will be fully protected.

(d) It is the policy and purpose of this Act to implement these objectives of protecting the integrity of the government of this state and of facilitating the recruitment and retention of qualified personnel by prescribing essential restrictions against conflicts of interest in state government without creating unnecessary barriers to public service.

Section 2. Whenever used in this Act, the following words and terms shall have the following respective meaning unless the context clearly indicates otherwise:

(a) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity.

(b) "Business with which he is associated" means any business of which the person or a member of his family is a director, officer, owner, partner, employee, or holder of stock worth \$1,000 or more at fair market value, and any business which is a client of the person.

(c) "Candidate for public office" means any person who has filed a declaration of candidacy or a petition to appear on the ballot for election as a public official, and any person who has been nominated for appointment to serve as a public official.

(d) "Commission" means the State Ethics Commission

(e) "Legislative employee" means any person employed by the legislature or by any of its committees and any person employed by a legislator from funds provided by the state, who receives compensation of \$12,000 or more per year;

(f) "Lobbying" means the practice of promoting or opposing the introduction or enactment of legislation before the Legislature or the legislative committees or the members thereof, and shall also include the practice of promoting or opposing executive approval of legislation.

(g) "Lobbyist" means all persons who seek to encourage the passage, defeat, or modification of any legislation, except members of the Alabama Legislature or any person who, on an isolated basis and without the intent to continue beyond a single day during a session of the Alabama Legislature, merely appears before a committee or committees of the Legislature in his individual capacity, or on behalf of a corporation, partnership, association or other business entity, with which such person is regularly associated as an employee, officer, member or partner without receiving additional salary or compensation other than reasonable and ordinary travel expenses, to express support of or opposition to any legislation, and who shall so declare to a member, members, or committee of the legislature with whom he discusses any proposed legislation.

(h) "Reporting Year" means the reporting official's or employee's fiscal tax year as it applies to his United States Income Tax Return(s).

(i) "State Employee" means any employee of the State earning from the State a total annual salary in excess of \$12,000.

(j) "State Employee's Family" means the employee's spouse and dependents.

(k) "State Official" means any elected official of the legislative, judicial or executive branch of state government, and any person appointed under Alabama Law to an office in either branch where, in the conduct of such office, administrative and discretionary powers attend the appointment. Also, this definition shall mean an appointed member of any commission or committee which has administrative or policy-making control of any governmental function, but shall not mean members of commissions or committees functioning solely for advisory or research purposes.

(l) "State Official's Family" means the official's spouse and dependents.

Section 3. No state official or employee shall use an official position or office to obtain financial gain for himself, or his family, or any business with which he or a member of his family is associated unless such use and gain are specifically authorized by law.

Section 4. No person shall offer to or give to a state official or employee or his family, and none of the aforementioned shall solicit or receive anything of value, including a gift, favor or service or a promise of future employment, based on any understanding that the vote, official actions, decisions, or judgement of the intended recipient or family member would be influenced thereby, or where it could reasonably be inferred that the thing of value would influence such person in the discharge of his duties. Expenses associated with social occasions afforded state officials and employees when such expenses are in amounts of less than \$100 per year per state official or employee entertained shall not be deemed a thing of value within the meaning of this section or prohibited hereby.

Section 5. No state official or employee or his family shall solicit or receive any money in addition to that received by the official or employee in his official capacity for advice or assistance on matters concerning the legislature, an executive department, or any state regulatory board, commission or other body. Further, no state official or employee or business with which he is associated shall receive any fee for professional services provided to the state or any of its agencies or to any county or city or instrumentality thereof in the political sub-division or district from which he is elected or in which he resides.

Section 6. No state official or employee shall use or disclose confidential information gained in the course of or by reason of his position or employment in any way that could result in financial gain other than his regular salary as such state officer for himself, his family, or for any other person.

Section 7. Unless expressly provided otherwise by law, no person shall serve as a member or employee of a state regulatory board or commission or other body that regulates any business with which he is associated.

Section 8. If a state official or employee, or member of his family, or a business with which any of them is associated, shall for a fee represent a client or constituent before any quasi-judicial board or commission, state regulatory agency or executive department or agency, notice of such representation must be given within five days after the first day of such appearance to the State Ethics Commission in the manner prescribed by the commission.

Section 9. No state official or employee, or a member of his family, and no business with which any of them is associated shall enter into any contract with any state agency which is to be paid in whole or in part out of state funds unless the contract has been awarded through a process of public notice and competitive bidding and a copy of such contract is filed with the commission. Provided, however, all such contract awards shall be made as a result of original bid takings and no awards from negotiations after bidding shall be allowed.

Section 10. No person shall offer or give to a member or employee of a state agency, board or commission that regulates a business with which such person is associated, and no member or employee of a state regulatory agency, board or commission shall solicit or accept from any such person anything of value, including a promise of future employment or a favor or service, while the member or employee is associated with the regulatory agency, board or commission.

Section 11. No former state official or employee shall serve for a fee as a lobbyist or represent clients before the body of which he is a former member or employee for a period of five years after he leaves such membership or employment, unless notice of such

representation is given within five days after such appearance to the State Ethics Commission in the manner prescribed by the commission; furthermore, no state official or employee shall enter into a contract to provide goods or services or materials to the state or any of its agencies unless within five days of entering into said contract notice is filed with the commission of his previous status as a state official or employee and a copy of the contract provided.

Section 12. (a). No person elected or employed to serve as a state official or employee shall be allowed to take the oath of office or enter upon his duties unless he has previously filed a statement of economic interests in accordance with the provisions of this act at the office of the State Ethics Commission. Such statement shall be made on a form provided by the commission and shall contain the following information on the person making such filing:

1. Name, residential address, business address; name and address of living spouse, minor and dependent children, adult children, parents, brothers, and sisters, and to the best of his knowledge the principal occupation of each of these persons and their spouses.

2. A list of occupation(s) to which one-third or more of working time was given during previous reporting year by the filing official or employee and spouse;

3. A listing of total combined family income of the state official or employee during the most recent reporting year as to income from salaries, fees, dividends, profits, commissions, and other compensation from any business doing business in Alabama and listing the names of each business and the income derived from such business in the following categorical amounts: less than \$1,000; at least \$1,000 and less than \$10,000; \$10,000 or more. Further, the person reporting shall name any business or subsidiary thereof in which he or his spouse or dependents, jointly or severally, own one-tenth or more of the stock or in which he or his spouse serves as an officer, director, trustee, or consultant where such service provides income of more than \$1,000 for the reporting period.

4. If the filing state official or employee, or his spouse, has engaged in a business during the last reporting year which provides legal, accounting, engineering, architectural, management, or other professional services or consultations, then the filing party shall report the number of clients of such business in each of the following categories and the income in categorical amounts received during the reporting period from the combined number of clients in each category: electric utilities, gas utilities, telephone utilities, water utilities, cable television companies, intrastate transportation companies, interstate transportation companies, pipe line companies, oil and/or gas exploration companies, oil and gas retail companies, banks, savings and loan associations, loan and/or finance companies, manufacturing firms, mining companies, life insurance companies, casualty insurance companies, other insurance companies, retail companies, beer, wine, and/or liquor companies or distributors, trade associations, professional associations, governmental associations, associations of public employees or public officials, counties and any other businesses or associations that the commission may deem appropriate. Amounts received from combined clients in each category shall be reported as: less than \$1,000.; more than \$1,000. but less than \$10,000; \$10,000 or above.

5. If retainers are in existence or contracted for in any of the above categories of clients, a listing of the categories along with the anticipated income to be expected annually from each category of clients shall be shown in the following amounts: less than \$1,250.; \$1,250 or more.

6. If real estate that is held for investment or is revenue producing is held by a state official, his spouse or dependents, then a listing thereof by the following categories of fair market value: under \$50,000; at least \$50,000 but less than \$250,000; \$250,000 or more; and the following categories of annual gross rent and lease income on real estate: less than \$10,000; at least \$10,000 and less than \$50,000; \$50,000 or more. Furthermore, if a state official or a business in which he is associated receives rent or lease income from any governmental agency in Alabama, specific details of the lease or rent agreement shall be filed with the commission.

7. (a) A listing of indebtedness to businesses operating in Alabama showing types and number of each as follows: banks, savings and loan associations, insurance companies, mortgage firms, and stock brokers (The commission shall add additional categories as it deems necessary); and the indebtedness to combined organizations in each category in amounts as follows: less than \$25,000; \$25,000 but less than \$50,000; \$50,000 but less than \$100,000; \$100,000 or more. Indebtedness associated with the homestead of the person filing is exempted from this disclosure requirement. Filing required by subsections of this section shall reflect information and facts in existence at the end of the reporting year.

(b) After the original filing of the above prescribed statement(s) each person shall make additional subsequent filing within 90 days after the termination of each succeeding reporting year. Filings required by subsections 5, 6 and 7 of this section shall reflect information and facts in existence at the end of the reporting year.

Section 13. Within 10 days after he becomes a candidate for state office, each candidate shall file a statement of economic interests as prescribed by the commission and in keeping with this act at the office of the State Ethics Commission.

(a) Each official who receives a declaration of candidacy or petition to appear on the ballot for election as a state official and each official who nominates a person to serve as a state official shall, within five days of such receipt or nomination, notify the State Ethics Commission of the name of each new candidate for state office as defined in this act, and the date on which such person became a candidate.

(b) The State Ethics Commission shall notify such official and, in the case of candidates for appointive office, the clerk or secretary of the body that will approve or disapprove the nomination, of the name of each candidate who files a statement of economic interests at the office of the commission and of the date on which such statement was filed.

(c) Other provisions of the law notwithstanding, if a candidate for elective public office does not submit a statement of economic interests in accordance with the requirements of this act within ten days after he becomes a candidate, his name shall not appear on the ballot.

(d) If a person who becomes a candidate for appointive public office by nomination fails to file a statement of economic interests in accordance with the provisions of this act within ten days after such nomination, the nomination shall not be approved or ratified until at least ten days after he has filed such statement of economic interests.

Section 14. Any citizen of the State shall report to the State Ethics Commission when he, or a business with which he is associated, represents for a fee any person before a state regulatory agency or commission or a department of the executive branch or when a contract is entered into for the sale of goods or services to the State of Alabama

or any of its agencies in amounts exceeding \$1,000., that he has an adult child, parent, spouse, brother, or sister, who holds a state office or is a state employee as defined in this act, and such officer or employee, and the person represented or the contract made, shall be named in said statement.

Section 15.

(a) Every state agency head shall file reports with the commission on any matters that come to his attention which may constitute a violation of this act.

(b) State agency heads shall cooperate in every possible manner in connection with any investigation or hearing, public or private, which may be conducted by the commission.

(c) Such agency heads shall forthwith comply with any lawful directive, order or instruction received from the commission and shall immediately suspend, demote, discharge or take other disciplinary action against any employee under their supervision when ordered to do so by the commission.

(d) Failure on the part of any agency head who is not an elected official to comply promptly with any lawful directive, order or instruction received from the commission shall subject him to all penalties provided for elsewhere in this act and shall cause the immediate suspension of all salary and other benefits which he otherwise would be entitled to receive. Such suspension shall remain in effect during the period in which he fails or refuses to comply, and all state employees are hereby directed to refuse to honor any drafts or other documents which would violate this provision.

(e) The head of each state agency shall furnish the commission when requested to do so a list showing the names, positions and compensation, if any, (whether such compensation consists of salary, wages, a contract figure, per diem, expenses, or any other thing of value) and the time actually spent earning such compensation of all state employees whether or not such employees are covered under the provisions of this act. The list shall be prepared at the expense of the agency furnishing it out of funds available to such agency.

(f) The head of each state agency shall constantly screen all employees under his supervision to ascertain that such employees are needed to perform the work of the agency and shall promptly take the necessary steps to reduce the number of the employees of the agency to a sufficient or satisfactory number required. Knowingly having one or more employees on the payroll who are not rendering service for which they are being paid shall subject the agency head as well as such employee to the disciplinary action and penalties provided by this act.

(g) The commission shall prepare and publish, prior to the implementation of this act, procedures for review or appeal of any action taken against or in regard to any official covered in this act.

Section 16.

(a) There is hereby created a State Ethics Commission which shall be composed of five members, each of whom shall be a fair, equitable citizen of this state and of high moral character. One member of such commission shall be appointed by each of the following officers: the Governor, the Lieutenant-Governor, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Attorney General. The members of the first commission shall be appointed for terms of office expiring one, two, three, four and five years, respectively,

from the date on which this act becomes law, the member being appointed by the Governor having the one-year term, the member appointed by the Lieutenant-Governor having the two-year term, the member appointed by the Speaker of the House having the three-year term, the member appointed by the Chief Justice having the four-year term, the member appointed by the Attorney General having the five-year term. Successors to the members of this first commission shall each be appointed for terms of five years and until their successors are appointed and have qualified. If any of the above listed appointing authorities should fail to make his appointment to the first commission within forty-five days after this act becomes law or to fill a vacancy forty-five days after such vacancy occurs, then the Governor may make such appointment; but the term of such appointee shall be for the period prescribed for a member appointed by the officer authorized to make such appointment but who failed to do so. If at any time there should be a vacancy on the commission, a successor member to serve for the unexpired term applicable to such vacancy shall be appointed by the same appointing authority as the member whose unexpired term such successor is to fill. The commission shall elect one member to serve as chairman of the commission and one member to serve as vice chairman. The vice chairman shall act as chairman in the absence or disability of the chairman or in the event of a vacancy in that office.

As soon as all the members of the board have been appointed the Governor shall call and provide for the holding of an organizational meeting of the commission. Such meeting shall be set for not less than forty-five days nor more than sixty days after this act becomes effective.

(b) A vacancy in the commission shall not impair the right of the remaining members to exercise all the powers of the commission and three members thereof shall constitute a quorum.

(c) The commission shall at the close of each fiscal year report to the legislature and the Governor concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the monies it has disbursed; and shall make such further reports on the matters within its jurisdiction and such recommendations for further legislation as may appear desirable.

(d) Members of the commission shall, while serving on the business of the commission, be entitled to receive compensation at the rate of \$50 per day, and each such member shall be paid the actual and necessary expenses incurred in the performance of his duties as a member of the commission when approved by the chairman thereof.

(e) The office of the commission shall be in or near the State Capitol but it may meet or exercise any or all of its powers at any other place in the state.

(f) All members, officers, agents, attorneys and employees of the commission shall be subject to the provisions of this act and also to the provisions of law prohibiting political activities by state employees.

(g) The commission shall appoint an Executive Director and such other staff as is needed. All such appointees shall serve at the pleasure of the commission. All such employees, except the Executive Director, shall be employed subject to the provisions of the state merit system law, and their compensation shall be prescribed pursuant to such law. The compensation of the Executive Director shall be fixed by the Commission, but shall not exceed \$25,000 per year. The Executive Director shall be responsible for the administrative operations of the commission and shall perform such other duties as may be delegated or assigned to him from time to time by regulation or order of the

commission. However, the commission shall not delegate the making of regulations to the Executive Director.

(h) The commission is hereby authorized, when in its discretion the ends of justice will be thereby served, to waive any rule or regulation presented relative to any disclosure statement, provided such waiver is done in writing stating the reason why and made a part of the public record.

Section 17. It shall be the duty of the commission:

(a) To prescribe forms for statements required to be filed by this act, and to furnish such forms to persons required to file such statements;

(b) To prepare and publish a manual setting forth recommended uniform methods of reporting for use by persons required to file statements required by this act;

(c) To accept and file any information voluntarily supplied that exceeds the requirements of this act;

(d) To develop a filing, coding, and cross-indexing system consonant with the purposes of this act;

(e) To make the reports and statements filed with it available for public inspection and copying during regular office hours, and to make copying facilities available free of charge or at a charge not to exceed actual cost;

(f) To preserve such reports and statements for a period of ten years from date of receipt;

(g) To prepare and publish, from time to time, summaries of the statements received, which the commission deems necessary.

(h) To prepare and publish such other reports as to it may deem appropriate;

(i) To provide for wide public dissemination of summaries and reports;

(j) To make investigations with respect to statements filed under the provisions of this act, and with respect to alleged failures to file any statement required under the provisions of this act and, upon complaint by any individual, with respect to alleged violation of any part of this act; and whenever in its opinion a thorough audit of any person or any business should be made in order to determine whether this act has been violated, the commission shall direct the Examiner of Public Accounts to have such audit made and a report thereof filed with the commission. The Examiner of Public Accounts shall upon receipt of such directive immediately comply therewith;

(k) To report suspected violations of law to the appropriate law enforcement authorities;

(l) To issue, upon request, and publish advisory opinions on the requirements of this act, based on a real or hypothetical set of circumstances;

(m) To prescribe, publish and enforce rules and regulations to carry out the provisions of this act;

(n) To prescribe, publish and enforce rules of ethical conduct applicable to county and municipal officers and employees, and specifically including rules relative to financial disclosure by such county and municipal officers and employees. No such rules, however, shall be adopted

until notice thereof is given by publication at least thirty days prior to the date set for adoption thereof and an opportunity afforded to the public to appear and contests such rules. Any such rules prescribed by the commission shall become effective at the same time that the provisions of this act relative to state officers or employees are implemented;

(c) After the commission has been organized pursuant to this act and has prescribed the rules and regulations and adopted and promulgated such rules and regulation, it shall give notice for sixty days prior thereto of the day on which such rules and regulations shall become effective throughout this state and other provisions of this act shall be thereby implemented.

Section 18

(a) Every person employed or retained as a lobbyist shall register by filing a form prescribed by the commission within five (5) days after the first undertaking requiring registration.

(b) The registration shall be written, verified, and shall contain, but not be limited to, the following information:

- (1) the registrant's full name and address;
- (2) the registrant's normal business and business address;
- (3) the full name and address of the registrant's principal(s);

(4) a listing of the categories of subject matters on which the registrant is to communicate directly with a member of the legislative or executive branch to influence legislation or executive action;

(5) if an registrant's activities are done on behalf of the members of a group other than a corporation, the registration form shall include a categorical disclosure of the number of members of the group as follows: 1-5; 6-10; 11-25; over 25.

(6) a statement signed by the principal(s) that he has or they have read the registration, knows its contents, and has authorized the registrant to be a lobbyist in his or their behalf as specified therein and that no compensation will be paid to the registrant contingent upon passage or defeat of such measure(s).

(c) A registrant shall file a supplemental registration indicating any substantial change in the information contained in the prior registration within 10 days after the date of the change.

Section 19

Every person registered under Section 18 of this act and every principal employing such lobbyist shall file with the commission a sworn statement concerning the activities set out in said section. The report must be filed between the 1st and 15th day of each month succeeding a month in which the legislature is in session covering the activities during the previous month. The report shall be written, verified, and contain, but not be limited to, the following information:

(1) All amounts received or expended directly or indirectly for the purpose of carrying on lobbying activities in the following categories: Less than \$1,000; \$1,000-\$3,000; more than \$3,000; but need not include amounts received by such lobbyist for his personal living expenses nor amounts received which are reportable as income to him for federal tax purposes unless his contract of employment provides that amounts received for such expenses or as such income may or shall be used for carrying on lobbying activities;

(2) A detailed statement of any money loaned or promised to legislators or to anyone on their behalf; and

(3) A statement detailing the extent of any direct business association or partnership with any current member of the legislature or public official or employee.

(4) A list of legislation by category supported or opposed by the registrant, by any person retained or employed by the registrant to appear on his behalf, or by any other person appearing on his behalf.

Section 20

(a) A person who ceases to engage in activities requiring him to register under Section 18 of this act shall file a written, verified statement with the commission acknowledging the termination of activities. The notice is effective immediately.

(b) A person who files a notice of termination under this section must file the reports required under Sections 18 and 19 of this act for any reporting period during which he was registered under this act.

Section 21

All reports filed under Sections 18, 19, and 20 of this act are public records and shall be made available for public inspection during regular business hours.

Section 22

No person, for the purpose of influencing legislation, may

(1) knowingly or willfully make any false statement or misrepresentation of the facts to a member of the legislative or executive branch; or

(2) knowing a document to contain a false statement, cause a copy of the document to be received by a member of the legislative or executive branch without notifying such member in writing of the truth.

Section 23.

The provisions of Sections 18, 19, 20, 21, and 22 shall not be construed as affecting professional services in drafting bills or in advising clients and in rendering opinions as to the construction and effect of proposed or pending legislation where such professional service is not otherwise connected with legislative action.

Section 24.

Nothing in the provisions of this act shall be construed as to deprive any citizen not lobbying for hire of his constitutional right to communicate with members of the Legislature.

Section 25.

(a) Any person who violates any provision of this act and is found guilty shall be fined not more than \$10,000 or be imprisoned for not more than 10 years or both. Any person who violates the provisions of this act and is found guilty, in addition to any other penalty prescribed by law, shall pay into the treasury of the state a sum of money equal to three times the financial gain resulting from such violation.

(b) All prosecutions for violations of the provisions of this act shall be initiated and prosecuted by the attorney general of the state or by the district attorney having jurisdiction of the offense.

(c) The penalties prescribed in this act do not limit the power of either house of the legislature to discipline its own members or to impeach public official, and do not limit the powers of agencies or commissions to discipline their respective officials or employees.

(d) The circuit court of Montgomery County shall have jurisdiction of all cases and actions relative to violations or of enforcement of this act in which state officers or employees are involved; and any circuit court of the state having jurisdiction of any person involved in any other violation of this act or in the enforcement of this act relative to other persons than state employees shall have jurisdiction of such violations and enforcement.

(e) Nothing in this act is intended to, nor is to be construed as repealing in any way the provisions of any of the criminal laws of this state.

Section 26.

Any person who knowingly and intentionally files a false complaint with the commission, or any member of the commission who initiates action against any state official, state employee, or any other person covered by this act, knowing such complaint to be false or inaccurate shall be guilty of the crime of making false accusation.

Whoever is convicted in a court of competent jurisdiction of the crime of making false accusation, in addition to any other punishment prescribed by law therefor, shall also be required by court decree to reimburse the person against whom the false complaint was filed for all of his legal expenses and any other expenses incurred in relation to the accused defending himself against the false complaint. If such complaint is filed within 6 months prior to an election in which the accused's name appears on the ballot, the person filing the false complaint shall pay to the accused the amount set out above, plus an equal amount to the general fund of the state.

Section 27.

The governor is hereby authorized and directed to make available for the expenses of effectuating the provisions of this act such sums as are needed therefor from any appropriations heretofore made to be expended at his discretion.

Section 28.

Any citizen wishing to file a complaint against any public official or employee covered by this Act shall initially file said complaint with the Commission. If the Commission does not take proper action within forty-five days, then the said citizen may file the said complaint with the Attorney General or other officers authorized to enforce this Act.

Section 29.

The provisions of this Act are severable. If any part thereof is declared unconstitutional, such declaration shall not affect the part which remains.

Section 30.

The provisions of this Act are supplemental. It shall be construed in pari materia with other laws dealing with the subject matter hereof; however, all laws or parts of laws which specifically conflict herewith are hereby repealed.

Section 31.

The provisions of this Act shall become effective immediately upon

its passage and approval by the Governor or its otherwise becoming a law.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Insert a new Section 14 as follows and renumber the existing section 14 and all succeeding sections accordingly, viz:

Section 14. Members of the press who cover the State Legislature or state government in any way, either as a member of an editorial staff or through direct reporting, prior to being admitted to galleries, press rooms, committee meetings, any space set aside for use of the press, the floor of the legislature, or press conferences by a member of the legislature or a government official, shall file a statement of economic interest in accordance with the provisions of this Act at the office of the State ethics commission and shall have been approved by the State ethics commission for a special press pass and shall be subject to the provisions of the Act. The statement of economic interest filed by members of the press shall further include the names of all newspapers or publications, radio stations, television stations, or news-gathering organizations by which they are employed, and what other occupations or employment they may have, if any; and they shall further declare that they are not employed in any legislative or executive department of government, and that they are not employed, directly or indirectly, by any person or corporation having legislation before the State Legislature, and that they will not become so engaged in any of these activities while covering the State Legislature or state government.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend S. B. 1 Section 17 (n) by adding at the end of subsection (n) the following sentence:

"Provided however that the rules of ethical conduct and rules relative to county and municipal officers and employees shall be no less stringent than said rules prescribed for state officials or employees."

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend S. B. 1 by inserting the following as Section 28:

"Section 28. No former member of the House of Representatives or the Senate of the State of Alabama shall be extended floor privileges of either body in a lobbying capacity."

And by renumbering Section 28 (as it existed prior to this amendment) as Section 29 and renumbering subsequent sections therein accordingly.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend Senate Bill Number 1 in Section 17 (e) by striking said section and adding in lieu thereof the following:

"(e) To make the reports and statements filed with it available at reasonable hours to responsible public inquiry subject to such regulations as the commission may prescribe including, but not limited to regulations requiring identification by name, occupation, address and telephone number of each such person examining information on file with the commission."

AMENDMENT TO SUBSTITUTE FOR S. 1

In Section 17, strike out in its entirety subsection (i) and renumber the remaining subsections accordingly.

AMENDMENT TO SUBSTITUTE FOR S. 1

In Section 17 strike out in its entirety subsection (g) and renumber the remaining subsections accordingly.

AMENDMENT TO SUBSTITUTE FOR S. 1

In Section 16 insert immediately after the first sentence the following:

No member of the commission shall be eligible for appointment to succeed himself, except that members appointed to the first commission may each be appointed one time to succeed himself.

AMENDMENT TO SUBSTITUTE FOR S. 1

In Section 25 strike out subsection (d) in its entirety and substitute in lieu thereof the following:

(d) The circuit courts of this state shall have jurisdiction of all cases and actions relative to violations or the enforcement of this act; and the venue of any suit or action under this act shall be in the county of the residence of the defendant.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend Section 2 by adding after subsection k, and anywhere else as necessary in the substitute, subsection l to read as follows:

Any member of the U. S. House of Representatives and the U. S. Senate, together with their families, their secretaries, administrative assistants, and any other associated employees, also their partners or any person that they may be associated with in any business, partnership, or corporation.

AMENDMENT TO SUBSTITUTE FOR S. 1

Amend Section 26 of said bill by adding at the end thereof the following:

If any person, accused of violating this Article is acquitted upon trial, then such person may, in the discretion of the court or jury, recover in an action at law from the person who brought the charge against him a sum equal to three times the damages thereby caused.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend line three of Section 12 (4) by adding after the word "accounting" the following:

“, medical, or health related, real estate, banking, insurance, educational, farming,”

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend the substitute for S. B. 1 by amending Section 7 thereof to read as follows:

Section 7. Unless expressly provided otherwise by law no person shall serve as a member or employee of a state, county or city regulatory board or commission or other body that regulates any business with which he is associated.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend substitute to S. B. 1 by deleting therefrom Section 17(h) and by re-lettering subsequent sections accordingly.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Immediately after Section 17 insert the following additional section:

Section 18. Each cabinet member, each department head and each assistant department head appointed by the Governor shall be subject to and shall comply with all provisions of this Act. Each such official shall not own any stock, bonds or other interest in any corporation, firm, partnership or any other business which does business with the State, and shall not receive any income from any other state, county, city or federal service, agency or institution.

Any such official presently serving in office shall be allowed thirty days after the effective date of this Act to divest himself of any such ownership and to terminate any arrangements for any such income.

Any person that is so appointed to any such office after the effective date of this Act shall be allowed thirty days after the date of his appointment to divest himself of any such ownership and to terminate any arrangements for any such income.

Also, renumber the sections following this insertion.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Amend Section 31 of S. B. 1, as substituted, to read as follows:

The provisions of this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law, except that state officials shall not come under the provisions, penalties, terms, and conditions of said Act until their next term of office following the passage of this Act commences.

AMENDMENT TO SUBSTITUTE FOR S. B. 1

Add at the end of Section 12(a) the following:

In the event that said information required herein is not filed as required, the commission shall notify the public official or employee concerned as to his failure to so file and the public official shall have 10 days to file said report after receipt of said notification.

On motion of Mr. Bailes, further consideration of the Bill, S. B. 1, and pending House amendment, was postponed temporarily.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 311. To provide for the preservation, enhancement and development of the coastal areas of Alabama; to establish a board with responsibility and authority for developing, coordinating and maintaining a coastal area program; and to provide for the promulgation of regulations and provisions for the enforcement of this act.

Also:

S. 312. To provide for the planning, design, location, financing, acquisition of property for, construction, alteration, enlargement, use, maintenance, operation, and fostering of off-street automobile parking

facilities in the City of Fairhope; authorizing the city council to create a parking authority or parking committee, and providing for its membership, authority and duties.

Also:

S. 396. To amend Sections 85 and 130 of Title 2 of the Code of Alabama of 1940 relating to incorporated agricultural cooperative marketing associations so as to expressly include persons engaged in fishing activities and the harvesting of aquatic and seafood products within its provisions.

Also:

S. 427. To amend Sections 1 and 3 of Act No. 470, S. 182, 1969 Regular Session (Acts of 1969, p. 912), entitled "An Act To provide for and regulate the payment of expenses of state officers and employees and persons traveling on official business for the State or any of its departments, institutions, boards, bureaus, commissions, councils, committees, and other like agencies," so as to raise the amount provided for in said sections.

Also:

S. 826. Relating to Dale County, providing for the establishment of a consolidated and unified system of assessment and collection of taxes and for the collection of delinquent privilege license fees under the supervision of an elective county official designated as county revenue commissioner; prescribing the powers, duties, term of office and compensation of said county revenue commissioner, and providing for his election; abolishing the county offices of tax assessor, tax collector and license inspector in Dale County, providing for the duties of the office of license inspector of Dale County temporarily to be performed by the tax collector of Dale County and thereafter to be performed by the county revenue commissioner created by this Act; repealing conflicting laws; and prescribing the effective date of this Act.

Also:

S. 831. Relating to counties having a population of not less than 90,000, nor more than 100,000, according to the most recent federal decennial census; providing for the creation, establishment, operation, management and purchase of equipment of and for an animal shelter in such counties and for the appointment of a humane officer and necessary assistants.

Also:

S. 881. Applicable to any city having a population of not less than 7,750 nor more than 7,825 according to the most recent federal decennial census; to provide an expense allowance to the mayor and to each member of the city governing body of any such city.

Also:

S. 890. Relating to counties having a population of 600,000 or more inhabitants according to the most recent Federal decennial census; providing for the establishment of a county compensation commission and to provide for the make up of the commission and to subscribe the duties of the commission.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 181. To provide for equalization of the maximum rate of interest permitted to be charged by State banks with the maximum rate permitted by State law to be charged by any competing state chartered or licensed lending institution or by Federal law to any competing national bank.

Also:

S. 293. To amend Act No. 222, S. 225, Regular Session 1969 (Acts 1969, p. 542), which relates to authorizing the State Treasurer to destroy certain cancelled state warrants after six years elapse from issuance of said cancelled warrants, so as to allow such destruction after three years.

Also:

S. 136. Prohibiting the larceny, removal, or abandonment of shopping carts from the premises of grocery stores and other merchant stores; and providing penalties therefor.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 77. To amend the title and Section 1 of Act No. 281, S. 217, Third Special Session 1971 (Acts 1971, p. 4556), providing supplemental salaries for supernumerary circuit judges in judicial circuits composed of one county having a certain number of circuit judges.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. King, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 77, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO SENATE BILL 77

Strike Section 3 of the bill and insert in lieu thereof the following:

Section 3. This act shall become effective February 1, 1974.

Yeas 25; Nays 0.

Yeas:

Messrs.:
Baker

Branyon
Carr

Cook
Dominick

Edington
Fine

Gilmore	King	Noonan	Register	
Givhan	Lindsey	O'Bannon	Vacca	
Harris	Lybrand	Owen	Wilder	
Hawkins	McLain	Pierce	Wilson	
Jones	Melton			—25
Nays:				—0
Abstaining: Mr. Bailes				—1

FURTHER CONSIDERATION OF H. B. 1319

The Senate proceeded to further consideration of the Motion in Writing by Mr. Carr that the Senate reconsider the vote by which the Bill, H. B. 1319, as amended, was passed.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 234. URGING THE ELECTION OF MRS. ARA BELLE WALKER AS NATIONAL FIRST VICE PRESIDENT OF THE AMERICAN BUSINESS WOMEN'S ASSOCIATION.

Also:

H. J. R. 264. Naming the Bridge Over the Black Warrior River on Interstate 59 Near Fosters the "Lurleen B. Wallace Bridge".

Also:

H. J. R. 261. COMMENDING MRS. ALICE WASHAM FOR A JOB "WELL DONE" AS TAX ASSESSOR OF TALLADEGA COUNTY.

Also:

H. J. R. 262. COMMENDING BETH BARRY FOR HER BRILLIANT GOLF CAREER.

Also:

H. J. R. 250. URGING ALABAMA EDUCATORS TO PROVIDE AN OPPORTUNITY FOR STUDENTS TO BEGIN LEARNING THE UNIVERSAL METRIC SYSTEM OF MEASUREMENT EXPECTED TO BE ADOPTED OFFICIALLY IN THE UNITED STATES IN THE NEAR FUTURE

Also:

H. J. R. 243. Commending the Madison County Local Government Study Commission for its marathon effort during its two years existence.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor concerning the House bills which are now before you which make appropriations to the Highway Department.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 13th DAY OF SEPTEMBER, 1973.

To the Senate of Alabama
State Capitol
Montgomery, Alabama

Gentlemen:

The House bills now before you which make appropriations to the Highway Department and budgets their expenditures are matters of urgent importance to the health, safety and welfare of the people of this state.

I have just received a memorandum from Mr. Tom Espy, Jr., Federal Aid Engineer, referring to these bills and setting forth an analysis of the effects these bills would have on present and future highway projects, and especially points out the loss of Federal funds should these bills not be favorably acted upon by you.

I strongly urge and recommend that you carefully study the copy of Mr. Espy's memorandum attached to this message which is made available to each of you gentlemen. After you have read this memorandum, I feel confident that you will agree with me on the seriousness of these bills and will pass them promptly.

Respectfully,

GEORGE C. WALLACE,
Governor of Alabama.

STATE OF ALABAMA
HIGHWAY DEPARTMENT
MONTGOMERY, ALABAMA 36104

September 5, 1973

MEMORANDUM

TO: Mr. Ray D. Bass
Highway Director

FROM: Tom Espy, Jr.
Federal Aid Engineer

RE: Acts of the 1973 Legislature and
Highway Budget

I understand that there is a distinct possibility that the State Legislature will not pass our Highway Bill during this session. If

such is the case, such action will adversely affect several of our Federal-Aid programs. If I understand the present budget bill correctly, we will continue our current program based on the budget for the present fiscal year.

With this in mind, the following is my analysis of the effect which the failure to pass the highway budget bill will have on our program:

(a) Interstate System

The current year budget establishes a figure of \$8,170,000. The proposed new budget establishes a figure of \$13,567,000. This reduction of over \$5,000,000 would mean that we could not match approximately \$50,000,000 of Federal Aid Interstate funds. The I-10 crossing of Mobile Bay would be set back at least two years and the I-65 crossing of the Mobile River and the swamp area would be set back at least five years.

With the reduction of Federal funds, I-759 in Gadsden would be in jeopardy.

I-59 in Bessemer and I-65 in Hoover and in Shelby County will be set back between 1 and 2 years.

(b) Primary System

Primary matching funds will be sufficient.

(c) Secondary System

Secondary funds will be sufficient. As a matter of fact there will be more secondary funds than needed.

(d) ABC Urban System

ABC urban matching funds will be sufficient. More of these funds will be available than will be needed.

(e) New Urban System

The current year budget establishes a figure of \$1,198,000. The proposed new budget establishes a figure of \$3,767,000. With the flexibility that is written into the proposed new budget, we would normally be able to match all available funds in this category. However, by reverting to the current budget we will be unable to match even one-half of the Federal Aid funds that would be made available to us. We will come very close to having highway funds lapse which has never happened in the history of the Highway Department.

We have not received any detailed explanation of obligation authority for fiscal year 1974. I would expect that emphasis will be placed on obligation of funds in urban areas. If such is the case, we can expect to lose obligation authority during this next year.

The North Bypass in Montgomery would be in jeopardy. According to our construction cost estimate, we would have sufficient funds to let this project. It would be the only project that we could let on this system this year. However, our construction cost estimate is close enough to the budget figure that a 10% overrun would cause us to reject all bids because of insufficient State matching funds.

There would be no money available to be spent in Mobile and Birmingham at all. Provisions in the 1973 Federal Highway Act states that we must make a certain amount of money available to Birmingham and Mobile and Phenix City for each fiscal year. Birmingham would lose the availability of \$8,201,000 for two years. Mobile would lose the availability of \$3,789,000 for two years. Phenix City would lose the availability of \$370,000 for two years.

Other projects which would be adversely affected and which could not be funded for at least two years would be the new river bridge at Gadsden, Moffatt Road (US-98) in Mobile and the Lee Street Interchange in Chickasaw.

All urban areas under 50,000 population would be adversely affected to some degree.

(f) Topics System

Topics Program matching funds are sufficient. Inasmuch as the Topics Program is being phased out, we will actually have too much money in this program.

(g) Bridge Replacement

State matching funds in this category will not match available Federal funds, but will almost be sufficient to match these funds.

(h) Projects for Which Portions of Work Federal Matching Funds are not Available.

Matching funds in this program are sufficient. More funds are available than are needed.

(j) Miscellaneous Systems

The current year budget provides \$4,942,350, while the proposed new budget requests \$8,317,000. This great reduction will affect, to some degree, the Appalachian Development System in Madison and Jackson Counties. It will particularly affect our ability to close the gap on US-72 between Gurley and Woodville.

All new Federal Aid Programs will be affected to a great degree. These include such programs as follows:

Priority Primary Highway System.

Urban High Density Highway System

Rail - Highway Crossing Programs

High Hazard Location Programs

Federal Aid Safer Roads Program

In summary, we will be most adversely effected on our Interstate Program, our New Urban Program, and our miscellaneous program. We will come dangerously close to losing apportioned funds on our New Urban program.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to House Bills 329 and 330, was read and ordered spread upon the Journal.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 271. COMMENDING THE GIRLS 78 WEST ALLSTAR FAST PITCH SOFTBALL TEAM FOR PLAYING IN THE WORLD SERIES

Also:

H. J. R. 223. DESIGNATING THE STREET WHICH COMMENCES AT THE POINT WHERE NINTH STREET AND FIFTEENTH STREET COMBINE AND RUNS TO THE TUSCALOOSA COUNTY LINE THE "CULVER ROAD".

Also:

H. J. R. 221. COMMENDING THE AUBURN UNIVERSITY FOOTBALL TEAM FOR THEIR WINNING RECORD DURING THE 1972 FOOTBALL SEASON AND FOR WINNING THE GATOR BOWL GAME.

Also:

H. J. R. 277. NAMING HOUSE BILL 400

Also:

H. J. R. 276. COMMENDING THE STATE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR ITS ACTION TAKEN TO RE-STOCK STRIPED BASS.

Also:

H. J. R. 244. MOURNING THE DEATH OF WILLIAM WHITT CARDWELL.

Also:

H. J. R. 245. MOURNING THE DEATH OF JUDGE EMMETT FRANKLIN HILDRETH.

Also:

H. J. R. 246. COMMENDING PROFESSOR GEORGE W. HARGREAVES

Also:

H. J. R. 248. COMMENDING JOHN B. HADLEY FOR HIS CONTRIBUTIONS AND DEDICATED SERVICE TO BALDWIN COUNTY.

Also:

H. J. R. 255. COMMENDING GEORGE M. CALLEN OF SELMA UPON THE CELEBRATION OF HIS 100TH BIRTHDAY.

Also:

H. J. R. 256. COMMENDING MR. P. LYNCH WHATLEY

Also:

H. J. R. 257. COMMENDING MAC LORENDO OF THE AUBURN UNIVERSITY FOOTBALL TEAM ON HIS OUTSTANDING COLLEGE FOOTBALL CAREER.

Also:

H. J. R. 258. COMMENDING SAM G. NORRIS AND EXPRESSING THE GOOD WISHES OF THE LEGISLATURE UPON HIS RETIREMENT

Also:

H. J. R. 259. Commending Certain Gadsden State Junior College Students on Winning Outstanding National Honors

Also:

H. J. R. 249. DESIGNATING THE STREET WHICH COMMENCES AT THE POINT WHERE NINTH STREET AND FIFTEENTH STREET COMBINE AND RUNS TO THE TUSCALOOSA COUNTY LINE THE "CULVER ROAD"

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1189. To amend Section 4, Act No. 571, Acts of Alabama 1967, page 1324, approved September 8, 1967, to further provide for the compensation of the Assistant or Associate Judge of Probate in counties having 600,000 or more population.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1409. To authorize each county in this state to sell and issue from time to time interest-bearing warrants for the purpose of paying costs of acquiring and providing water works systems; to provide that such warrants shall evidence general obligation indebtedness of the county; to provide that such warrants may, at the discretion of the governing body of the county, be additionally secured by a pledge or pledges of the revenues from any such system or the proceeds from certain taxes, or both such revenues and taxes; to specify the effect and priority of any such pledges; and to authorize the refunding of any such warrants.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds

vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1145. To regulate the change of zoning classification by the governing bodies of counties having a population in excess of 600,000 according to the last or any subsequent Federal Decennial census and by the governing bodies of municipalities located in such counties; to provide for notice of a proposed change in zoning classification to be given to the owners of property located within 500 feet from the property which is the subject of the proposed change and by placing a sign upon the property which is the subject of the proposed change; to authorize any property owner receiving notice of a proposed change in zoning classification to protest such proposed change; and, to provide that in the event a protest should be filed with respect to any proposed change in zoning classification by fifty percent or more of the property owners receiving such notice, such change shall not be effected without the affirmative vote of a minimum of two-thirds of the members of such governing body.

Also:

H. 1549. To further amend Act No. 168, H. 270, Special Session 1966 (Acts 1966, p. 190), as amended, relating to the Alabama Historical Commission by increasing the Commission membership.

Also:

H. 1530. To amend Section 3 of Act No. 96, H. 17, approved 1971, Special Session, p. 166, which levies and regulates a privilege tax against persons engaged in the business of leasing or renting tangible personal property, so as to further provide for exemptions from the computation of the amount of the tax levied.

Also:

H. 125. To provide a cost of living increase to certain retired members of the Employees' Retirement System of Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 640. To provide for the compensation to be paid the Deputy District Attorneys who are elected by the people, in all counties having a population of six hundred thousand or more, according to the last or any succeeding decennial federal census and to provide for the payment of the same, and to provide the date when said act shall go into effect.

Also:

H. 2124. Relating to the eleventh judicial circuit; providing an expense allowance for the District Attorney of such circuit; providing for a county salary supplement for such District Attorney at the beginning of his next term of office.

Also:

H. 1425. To amend Section 3 of Act No. 476, H. B. 627, Regular Session 1955 (Acts 1955, p. 1084), as amended, which section relates to the compensation of the deputy district attorney of the Twenty-third Judicial Circuit, so as to further regulate the compensation of said deputy district attorney.

Also:

H. 456. To provide further for the compensation of the deputy district attorney for Marion County.

Also:

H. 1757. To authorize the State Safety Coordinating Committee to allocate any of its funds to the Department of Education to establish a special fund to be designated as the "Driver Education and Training Fund" for the express purpose of instituting and conducting a program of preclicensing driver education and training.

Also:

H. 1560. To further amend Section 2 of Act No. 100, H. 94, Second Special Session 1959, relating to revenue, to exclude the sales tax exemption on certain products sold in vending machines and substitute therefor a tax on all purchases for resale, of food and food products, not including beverages other than coffee, milk, milk products and substitutes therefor, through coin operated dispensing machines.

Also:

H. 817. To provide for participation by the State of Alabama in the Interstate Library Compact.

Also:

H. 1004. To authorize County governing bodies to enter into contracts with Federal Government.

Also:

H. 216. To provide for transfer of certain members of the Employees' Retirement System of Alabama under Section 12 of Act 515 of 1945 Act as amended who are otherwise eligible to become members of the Teachers' Retirement System of Alabama under the provisions of Act #2307 of the 1971 Legislature.

Also:

H. 107. To replace the "Alabama Apartment Ownership Act" with a new statute establishing and regulating CONDOMINIUM developments, as regards definitions; the nature, ownership and rights to pos-

session of condominium units, common elements and limited common elements; the establishment of condominium property and the contents and recordation of declarations and bylaws and the amendment thereof, deeds, mortgages and other instruments relating to units; the administration and management of condominiums; liability, civil actions and service of process by and against the condominium and its unit owners; the ascertainment and charging of expenses for common elements and limited common elements to unit owners; the assessment of taxes and other public charges to unit owners; liens for labor and materials for work on condominium property and individual units; the mortgaging of condominium property and individual units; the termination of the condominium form of ownership; statutory construction; severability of the statute and repeal of the present Alabama Apartment Ownership Act, Act No. 206, H. 81, First Special Session (Acts 1964, p. 266).

Also:

H. 674. Further amending Code of Alabama 1940, Title 22, Section 93, relating to Vital Statistics, providing for accurate reporting data for divorces in order for Alabama to remain a registration district in the United States.

Also:

H. 112. To make appropriations for support and maintenance of the Tuskegee Institute, located in Macon County.

Also:

H. 326. To make appropriations for support and maintenance of the Marion Institute, located in Perry County.

Also:

H. 667. To provide for the adoption of adult persons and to declare the rights of the adopter and the adopted person.

Also:

H. 154. To amend further Act No. 382, H. 834, approved September 9, 1955, as last amended, an Act authorizing the director of the highway department to issue special permits for movement of certain oversize vehicles on public highways (Acts 1955, p. 916).

Also:

H. 1185. To amend Sections 3 and 4 of Act No. 566, S. 117, p. 1046, Volume II, Acts of Alabama, Regular Session of the Legislature 1969, effective 2/1/70, the title of which act is, "To provide for Supernumerary Clerks of the Circuit Courts and Registers of said Courts in Equity, in the various counties of the State of Alabama having a population of less than 600,000 population according to the last federal census, describing their duties, setting up the requirements and qualifications, fixing their compensation, status and tenure of office and providing for the payment of their salaries," by increasing the minimum and maximum salary allowed for such Supernumerary officials and providing for repayment of the amount of salary paid into the general fund of the county by such Clerks and Registers if their tenure of office is terminated prior to their becoming supernumerary.

Also:

H. 508. To amend Section 32 of Act 100, H. 94, Acts of Alabama 1959, Volume 1, page 298, so as to change the phrase "old age assistance exclusively" to "general welfare purposes," and to distribute from the

sales tax a sufficient sum for the counties to pay the cost of administering the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments enacted thereto.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested:

H. 2029. To further identify creditable years of service under the State Employees' Retirement System.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1361. To provide for compensation of Deputy District Attorneys No. 1, No. 2, and No. 3 of the Sixth Judicial Circuit.

Also:

H. 610. To create a committee to study and review state government audit agencies and audit practices; to provide for the appointment of its members and to fix their terms of office; to prescribe the functions and duties of the committee; to provide for the compensation of its members and payment of its expenses; and to make an appropriation for the use of the committee.

Also:

H. 845. Relating to the Fifteenth Judicial Circuit; to provide for additional Circuit Judge in such Circuit; defining his jurisdiction, powers, right and authority; his qualifications and duties; to set his compensation and providing for the appointment of a bailiff and court reporter.

Also:

H. 805. To amend Section 402 of Title 51, Code of Alabama of 1940,

so as to provide for the deduction of certain dividends received by domestic and foreign corporations.

Also:

H. 669. To amend Section 2 of Act No. 63 passed at the Extraordinary Session of the Legislature of Alabama of 1971 and approved April 27, 1971, relating to the uniform disposition of unclaimed and abandoned property, so as to provide for the disposition of traveler's checks and money orders that have been outstanding for more than 15 years from the date of issuance; to amend Section 11 of said Act to provide for the omission from the report required by Section 11 of certain information as to traveler's checks and money orders; to amend Section 12 of said Act so as to exempt sums payable on traveler's checks and money orders from the provisions of Section 12; and to amend Section 13 of said Act in the case of sums payable on traveler's checks or money orders presumed abandoned, to provide for the payment of such sums within 20 days after the filing of the report required by Section 11.

Also:

H. 226. To amend Title 52, Section 361, Code of Alabama 1940, as amended by adding new subsection nine (9) and renumbering existing subsections, to provide that a teacher may appeal to the State Tenure Commission in any instance when such teacher has been denied a formal hearing as required by Title 52, Sections 356 and 359, Code of Alabama 1940, as amended.

Also:

H. 1182. To direct the State Department of Education to establish public kindergarten pilot programs in each of the congressional districts from which State Board of Education members are elected of the state.

Also:

H. 1829. Pursuant to constitutional amendment CCCXVII ratified on January 27, 1972, this bill creates the Judicial Retirement Fund, and provides for the administration and supervision thereof; provides for the qualifications for retirement benefits for certain judicial officers; provides for the payment of retirement and disability benefits from the fund to qualified individuals; and provides for appropriations to carry out the provisions of the Act.

Also:

H. 653. To further amend Act No. 288, approved July 7, 1945, (General Acts 1945 p. 478), an act providing for appointment and designation of Supernumerary Circuit Judges.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 707. To create and establish a fund for the Board of Corrections to be used by the Commissioner of Corrections in paying certain administrative expenses in the general office and in the prisons and institutions under his supervision.

Also:

H. 777. To amend Section 2 of Act Number 106 of the 1959 Regular Session of the Legislature of the State of Alabama.

Also:

H. 778. To amend Section 12 of Act No. 107 adopted at the 1959 Regular Session of the Legislature of the State of Alabama so as to exempt from the criminal penalties provided therein the work performed under certain conditions by fellows, residents, interns or medical students who are employed by, or who are taking courses of instruction or training at, any facility of The University of Alabama School of Medicine or any other medical school, hospital or institution in a program supervised by the faculty of said School of Medicine.

Also:

H. 779. To amend Section 3 of Act Number 109 of the 1959 Regular Session of the Legislature of the State of Alabama amending Section 262 of Title 46 of the Code of Alabama 1940 (Recomp 1958).

Also:

H. 1272. To amend Code of Alabama, 1940, Title 52, Section 364 and 365, which relate to the Teachers' Retirement System, amending such sections in relation to membership service creditable toward retirement and to provide for a conditional appropriation.

Also:

H. 1540. To further amend Section 1 of Act 384, Regular Session 1965, (Acts 1965, p. 517), to levy an excise tax on the storage, use or other consumption in this state of certain tangible personal property purchased at retail, in lieu of the state use tax levied by Code 1940, Title 51, Section 788, as amended, and to provide for the enforcement and collection of such tax.

Also:

H. 1541. To further amend Section 1 of Act 383, H. 57, Regular Session 1965, (Acts 1965, p. 516), relating to the tax levied on farm machinery and equipment sold for agricultural purposes.

Also:

H. 1150. To empower and authorize each corporation organized under the Alabama Non Profit Corporation Act (Acts of 1955, p. 1254, approved September 12, 1955) as amended, and each other corporation not of a business character organized under, or created by, any statute of the State of Alabama, to guarantee or stand surety for the obligations of another non profit corporation if the articles of incorporation of such corporation grant such power to it.

Also:

H. 709. To amend Section 1 of Act No. 1981, H. 732, Regular Session 1971, (Acts 1971, v. IV, p. 3224), which act establishes the Alabama Peace Officers Standards and Training Commission, so as to include the Alabama Board of Corrections within the meaning of a "law enforcement agency" and a "law enforcement officer."

Also:

H. 710. To amend Code of Alabama 1958 Recompiled, Title 45, Section 54, which section pertains to the providing of a convict with clothing and money upon discharge, so as to provide said convict with money for the least expensive mode of public transportation back to the point of sentencing.

Also:

H. 711. Further regulating deductions from penitentiary and hard labor sentences for good behavior; Amending Section 1 of Act No. 534, S. B. 353, Regular Session 1943, (Acts 1943, p. 508), and repealing Act No. 481, H. B. 552, Regular Session 1953, (Acts 1953, p. 600).

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 977. To amend further Code of Alabama 1940, Title 51, Section 17, as last amended by the state-wide property tax classification act (Act No. 166, H. 57, 1971 Third Special Session), so as to raise the ratio of assessed value to fair and reasonable market value of property in certain counties and to lower such ratio in other counties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1887. To amend Section 10, Act No. 227, H. 2, Regular Session 1971 (Act 1971, p. 523), which Act authorizes and provides for the promotion of production, distribution, marketing, use, improvement and sale of soybeans.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 99. CHANGING THE TUSCALOOSA STATE TRADE SCHOOL TO "GEORGE E. MANLEY STATE TRADE SCHOOL."

On motion of Mr. Shelby, the Resolution, S. J. R. 99, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 837. Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census; to provide for clerk hire for the tax assessor and tax collector of such county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 837, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO SENATE BILL 837

Strike out Section 1 in its entirety and insert in lieu thereof the following:

Section 1. The Tax Assessor and Tax Collector of any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census in the discretion of the county governing body shall each be authorized additional clerk hire in the amount of \$2,400 per annum; the exact amount thereof to be fixed by the county governing body from the general funds of the county and paid in equal monthly installments. The provisions of this Act shall be in addition to any other provisions for the expense or salary of such tax assessor or tax collector.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pierce	
Bailes	Gilmore	Lybrand	Register	
Branyon	Harris	Malone	Shelby	
Carr	Hawkins	Melton	Weaver	
Clark	Jones	Noonan	Wilder	
Dominick	King	Owen	Wilson	
Edington	Lindsey			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 839. Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census; to provide an expense allowance for the members of the governing body of such county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 839, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. 839

Strike out Section 1 in its entirety and insert in lieu thereof the following:

Section 1. Each member of the governing body of any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census, in the discretion of such governing body, may receive an expense allowance of not more than \$2,000 per year, the exact amount thereof to be fixed by such governing body. Such allowance shall be paid from the general funds of such county, and shall be in addition to any other expense allowance, or salary provided the members of such governing body.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pierce	
Bailes	Gilmore	McLain	Register	
Branyon	Givhan	Malone	Vacca	
Carr	Hawkins	Melton	Weaver	
Cook	Horne	Noonan	Wilder	
Dominick	King	Owen	Wilson	
Edington	Lindsey			—25

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 838. Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census; to provide an expense allowance for the probate judge of such county.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 838, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 838

Strike out Section 1 in its entirety and insert in lieu thereof the following:

Section 1. The probate judge of any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census, in the discretion of the county governing body, may receive an annual expense allowance of not more than \$2,000, the exact amount thereof to be fixed by such county governing body. Such expense allowance shall be paid in equal monthly installments from the general funds of the county, and shall be in addition to any other expense allowance, or salary provided such probate judge.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Owen
Bailes	Foshee	Lybrand	Pierce
Baker	Gilmore	McLain	Register
Branyon	Givhan	Malone	Vacca
Clark	Hawkins	Melton	Weaver
Cook	Horne	Noonan	Wilson
Dominick	Jones		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 749. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for additional expense allowance for the tax collector and tax assessor.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 749, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. 749

Strike out Section 1 in its entirety and insert in lieu thereof the following:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census, the tax collector and tax assessor, in the discretion of the county governing body may each receive an annual expense allowance of not more than \$2,000 per year, the exact amount thereof to be fixed by such county governing body. Such allowance shall be in addition to any and all other compensation and allowances provided for by law, and payable in equal monthly installments.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Littleton	Pierce
Bailes	Gilmore	McLain	Register
Branyon	Givhan	Malone	Shelby
Carr	Harris	Melton	Weaver
Cook	Horne	Noonan	Wilder
Dominick	Jones	Owen	Wilson
Edington	Lindsey		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 747. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for an additional expense allowance and an additional clerk hire allowance for the circuit clerk.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Owen, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 747, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. 747

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for additional expense allowances to the

circuit clerk and to the register and an additional clerk hire allowance for the circuit clerk.

Be It Enacted by the Legislature of Alabama:

Section 1. In all counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census, in the discretion of the county governing body, the clerk of the circuit court and the register of such court, each may receive an expense allowance of not more than \$2,000 per annum, the exact amount thereof to be fixed by the county governing body. Such allowances shall be payable in equal monthly installments; and the clerk of the circuit court may also, but in the discretion of such governing body, receive a clerk hire allowance of not more than \$2,400 per annum, the exact amount thereof to be fixed by the county governing body. Such clerk hire allowance shall be payable in equal monthly installments. The allowances provided for in this act shall be paid out of the general fund of said county and shall be in addition to any and all other such allowances, salary and compensation received by the circuit clerk or the register.

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pierce
Bailes	Fine	Lybrand	Register
Baker	Gilmore	McLain	Shelby
Carr	Givhan	Melton	Vacca
Clark	Harris	Noonan	Wilder
Dominick	Horne	Owen	Wilson
Dozier	King		

—25

Nays:

—0

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Yetta G. Samford to the Board of Trustees of the University of Alabama.

On motion of Mr. Cook, the appointment of the Honorable Yetta Samford was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham
Bailes	Foshee	Littleton	Pierce
Baker	Gilmore	Lybrand	Shelby
Branyon	Givhan	McLain	Vacca
Carr	Harris	Malone	Weaver
Cook	Hawkins	Melton	Wilder
Clark	Jones	Owen	Wilson
Edington	King		

—29

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment to the Board of Trustees of Auburn University of the Honorable Frank Samford, Jr.

On motion of Mr. Bailes, the appointment of the Honorable Frank Samford, Jr. was confirmed by the Senate.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Branyon	Gilmore	Lybrand	Shelby	
Clark	Givhan	Melton	Vacca	
Dominick	Hawkins	O'Bannon	Wilder	
Dozier	Horne	Owen	Wilson	
Edington	Jones			—25

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment, and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of the Honorable Mark Ezell and Doctors Patrick H. Linton, John A. Martin and Robert Parker to the Alabama Mental Health Board.

On motion of Mr. Lindsey, the appointment of the Honorable Mark Ezell, and Doctors Linton, Martin and Parker was confirmed by the Senate.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Edington	Littleton	Pelham	
Bailes	Fine	Lybrand	Pierce	
Baker	Foshee	McLain	Register	
Branyon	Hawkins	Malone	Shelby	
Carr	Horne	Melton	Vacca	
Clark	Jones	O'Bannon	Wilder	
Dominick	King	Owen	Wilson	
Dozier	Lindsey			—29

Nays:

—0

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolutions and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 200. AUTHORIZING TWO MEMBERS FROM BOTH THE HOUSE AND SENATE COMMITTEES ON INSURANCE TO ATTEND THE ANNUAL MEETING OF THE CONFERENCE OF INSURANCE LEGISLATORS IN ATLANTA.

And on motion of Mr. Pelham, said Resolution, H. J. R. 200, was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 208. URGING CREATION OF ENVIRONMENTAL LAND AND WATER MANAGEMENT COMMITTEE.

On motion of Mr. Bailes, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 219. OPPOSING THE CLOSING OF THE MILITARY BASE AT FORT McCLELLAN.

On motion of Mr. Lybrand, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 235. URGING CONGRESSIONAL ENACTMENT OF LEGISLATION ESTABLISHING THE TUSKEGEE INSTITUTE NATIONAL HISTORICAL PARK.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 238. DECLARING LEGISLATIVE INTENT ON EDUCATORS' SALARY INCREASE.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 387. To name the allied health building at John C. Calhoun Junior College after Mr. Barrett C. Shelton.

Also:

S. 933. To provide the sheriff's department of Baldwin County with a specific number of employees, establishing the rate of compensation for said employees, and providing for training of such.

Also:

S. 864. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation and expenses of the judge of the county court in such counties.

Also:

S. 852. Repealing Act No. 278, H. 369, Special Session 1966 (Acts 1966, p. 420) which created a deputy district attorney for the Eighth Judicial Circuit.

Also:

S. 858. Governing the pleading, practice and procedure in civil actions in the Tuscaloosa County Court by adopting the Alabama Rules of Civil Procedure to increase the jurisdiction in civil actions in the Tuscaloosa County Court and to provide an expense allowance for the judge of the Tuscaloosa County Court.

Also:

S. 856. Proposing an amendment to the Constitution of Alabama relative to a special district ad valorem tax for public school purposes in each school district of Calhoun County except the school district comprising the City of Anniston.

Also:

S. 867. Relating to the assistant district attorney in all counties having populations of not less than 65,000 nor more than 68,000; increasing the supplement to the salary paid by the state.

Also:

S. 300. To amend further Sections 1, 2 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts 1951, p. 259) as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans.

Also:

S. 882. Amending the title and Section 3 of Act No. 258 of the 1973 Regular Session of the Alabama Legislature, relating to election districts for Morgan County, so as to provide for the changing of election dates in Districts three and four.

Also:

S. 924. Relating to any county having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census; further regulating the expense allowances of the tax assessor and tax collector.

Also:

S. 944. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Vestavia Hills, Jefferson County, Alabama.

Also:

S. 880. To create the office of supernumerary county commissioner in all counties with a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census, and to prescribe the qualifications, duties, and salary of such office.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate for a Committee on Conference on the House amendment to the bill:

S. 777. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing an additional expense allowance for the county solicitor of such counties.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Benton, Kinsey and Wise.

JOHN W. PEMBERTON,
Clerk.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 239. CHANGING THE NAME OF THE ALABAMA HIGH SCHOOL OF THE FINE ARTS.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 240. CLARIFICATION OF LEGISLATIVE INTENT CONCERNING SALARY INCREASES FOR CERTAIN TEACHERS.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. J. R. 106. PERMITTING FOREIGN NURSES TO PRACTICE AS LICENSED NURSES ON A TEMPORARY BASIS.

On motion of Mr. Edington, said Resolution was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 265. MEMORIALIZING CONGRESS TO PRESERVE THE CURRENT TAXATION METHOD OF APPLYING CAPITAL GAINS UPON THE DISPOSITION OF FORESTRY PRODUCTS.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 251. URGING THE ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO INSTITUTE A CATTLE RUSTLING PREVENTION PROGRAM.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 211. REQUEST TO RESTORE VETERANS DAY TO NOVEMBER 11TH

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 230. CREATING AN INTERIM COMMITTEE TO STUDY THE PURCHASE SYSTEM FOR THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 189. CONTINUING WORK OF FIRE ANT STUDY COMMISSION ESTABLISHED BY H. J. R. 75, ACT NO. 264, THIRD SPECIAL SESSION OF THE 1971 LEGISLATURE.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 184. RECOMMENDING THAT THE LEGISLATURE SEND MRS. RETHA D. WYNOT TO THE 36TH ANNUAL CONVENTION OF THE NATIONAL ORDER OF WOMEN LEGISLATORS TO BE HELD IN SALT LAKE CITY, UTAH AND TO REIMBURSE HER FOR HER ORDINARY AND NECESSARY EXPENSES FOR ATTENDING SAID CONVENTION.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 191. MEMORIALIZING CONGRESS TO SUBMIT TO THE FIFTY STATES A PROPOSED CONSTITUTIONAL AMENDMENT TO REQUIRE THAT ALL FEDERAL JUDGES WHO ARE APPOINTED FOR LIFE MUST BE PERIODICALLY RECONFIRMED BY THE UNITED STATES SENATE.

On motion of Mr. Clark, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 193. TO DESIGNATE U. S. HIGHWAY 90 FROM BATTLESHIP PARKWAY TO MISSISSIPPI LINE AS HISTORIC MOBILE PARKWAY.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 198. CHANGING THE NAME OF VALLEY CREEK STATE PARK TO PAUL M. GRIST STATE PARK.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 182. REQUIRING CERTAIN DUTIES OF THE STATE PERSONNEL BOARD RESPECTING THE CLASSIFICATION OF POSITIONS FOR EMERGENCY MEDICAL SERVICES AND THE ESTABLISHMENT OF RATES OF PAY.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 201. CREATING A JOINT INTERIM COMMITTEE TO STUDY INSURANCE RATES AND PREMIUMS.

Mr. Bailes offered the following substitute for the Resolution, H. J. R. 201, to-wit:

SUBSTITUTE FOR H. J. R. 201

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to study insurance rates and premiums in this state. Such committee shall be composed of four members of the House of Representatives who shall be members of the House standing committee on insurance and who shall be appointed by the Speaker of the House and four members of the Senate who shall be members of the Senate standing committee on insurance and who shall be appointed by the Lieutenant Governor. The committee shall select its own chairman and vice-chairman. Five members shall constitute a quorum.

It shall be the duty of the committee to meet as soon as practicable after the approval date of this resolution and upon the call of the chairman to study the existing programs of insurance which are available to citizens of this state, including but not limited to rates, premiums, benefits, services and all features relating to insurance coverage, with particular emphasis upon casualty line insurers furnishing liability

and physical damage coverage. The committee shall further seek the advice, assistance and cooperation of the State Insurance Department and representatives of the insurance industry to the end that state government and insurers may unite and coordinate their efforts in doing everything possible to up-grade insurance benefits at reduced costs for the citizens of Alabama.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The total expenditures of the committee in any fiscal year shall not exceed forty-eight hundred dollars, inclusive of per diem legislative pay.

The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1975 Regular Session, whereupon the committee shall be dissolved.

Which was adopted.

And on motion of Mr. Lybrand, said Resolution, H. J. R. 201, as thus amended by the substitute, was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 174. CHANGING THE NAME OF THE GEORGE C. WALLACE TRADE SCHOOL OF CULLMAN COUNTY.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 175. URGING THE STATE EXAMINERS OF PUBLIC ACCOUNTS TO AUDIT THE BOOKS, RECORDS AND ACCOUNTS OF THE CITY OF MIDFIELD, ALABAMA.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 176. ESTABLISHING A STATE "LIVE IN A LANDMARK COUNCIL".

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 155. TO ESTABLISH AN INTERIM EDUCATION ACCOUNTABILITY STUDY COMMISSION.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 122. NAMING ACT NO. 335, H. 281, THIRD SPECIAL SESSION, 1971, THE BOB HILL YOUTHFUL OFFENDER ACT.

On motion of Mr. Edington, said Resolution was then concurred in and adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Motion in Writing and ordered same returned to the Senate with a favorable report, to-wit:

Motion in Writing by Mr. Dominick, amending Senate Rule 66

And, on motion of Mr. Dominick, said Motion in Writing was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

S. J. R. 48. SETTING UP AN INTERIM COMMITTEE TO STUDY THE LAWS OF ALABAMA TO ASCERTAIN THOSE STATUTES WHICH DISCRIMINATE AGAINST WOMEN AND TO MAKE RECOMMENDATIONS.

The Rules Committee reported the following amendment to the Resolution, S. J. R. 48, to-wit:

AMENDMENT TO S. J. R. 48

Amend S. J. R. 48 by adding at the end of the last sentence the following:

"The compensation and expenses of said committee shall be expended from funds appropriated for the use of the Legislature and shall not exceed \$5,000.00."

Which was adopted.

And, on motion of Mr. Lybrand, said Resolution, S. J. R. 48, as thus amended, was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, with amendment, to-wit:

S. J. R. 101. CREATING AN INTERIM COMMITTEE TO STUDY THE LAWS OF THIS STATE RESPECTING THE DISTRIBUTION OF ALL LAW BOOKS, JOURNALS, REPORTS, AND PAMPHLET ACTS.

The Rules Committee reported the following amendment to the Resolution, S. J. R. 101, to-wit:

AMENDMENT TO S. J. R. 101

Amend S. J. R. 101 by striking the period at the end of paragraph 4, inserting a comma in lieu thereof, and adding the following:

"the Secretary of State and the Director of Archives and History."

Which was adopted.

And, on motion of Mr. Harris, said Resolution, S. J. R. 101, as thus amended, was then adopted by the Senate.

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 75. PROVIDING FOR CONTINUATION OF THE JOINT COMMITTEE ESTABLISHED BY S. J. R. 97, ACT NO. 382, APPROVED SEPTEMBER 5, 1967, AND CONTINUED BY S. J. R. 101, ACT NO. 1046, APPROVED SEPTEMBER 12, 1969, AND CONTINUED BY H. J. R. 217, ACT NO. 2418, APPROVED OCTOBER 1, 1971, TO STUDY THE PROBLEMS OF INTERSTATE AND INTRASTATE HIGHWAY SAFETY GENERALLY.

On motion of Mr. Bailes, said Resolution was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 871. Relating to Lee County: To create and establish in Lee County a court with county-wide limited jurisdiction of criminal cases, civil actions formerly at law and of juvenile cases, and court to be known as the District Court of Lee County, Alabama; providing it with officers and employees and prescribing their powers, duties, compensation, their terms of office and the manner of their selection, appointment and election; establishing criminal, civil, juvenile and small claims divisions in said court, and regulating the procedure, process, costs and charges of such divisions; abolishing the Court of Common Pleas of Lee County; providing for the transfer and trial of cases pending in the Court of Common Pleas of Lee County, at the time this Act takes effect, to the District Court of Lee County, Alabama; and repealing conflicting laws.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Horne, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 871, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 871

A BILL TO BE ENTITLED AN ACT

Relating to Lee County: To create and establish in Lee County a court with county-wide limited jurisdiction of criminal cases, civil actions formerly at law and of juvenile cases, and court to be known as the District Court of Lee County, Alabama; providing it with officers and employees and prescribing their powers, duties, compensation, their terms of office and the manner of their selection, appointment and election; establishing criminal, civil, juvenile and small claims divisions in said court, and regulating the procedure,

process, costs and charges of such divisions; abolishing the Court of Common Pleas of Lee County; providing for the transfer and trial of cases pending in the Court of Common Pleas of Lee County, at the time this Act takes effect, to the District Court of Lee County, Alabama; and repealing conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. District Court Created.

There is hereby established in Lee County a court with county-wide limited jurisdiction of criminal cases and civil actions formerly at law. The court shall be known as the "District Court of Lee County, Alabama". It shall be in lieu of the Court of Common Pleas of said county which is abolished as of the effective date of this Act. The District Court of Lee County shall be comprised of four divisions as follows: civil, criminal, juvenile and small claims, as provided herein.

Section 2. Jurisdiction.

(a) Except as provided in Subsection (b) following, the court shall have power to exercise jurisdiction in all actions, causes, matters, proceedings and cases (including paternity proceedings, actions for unlawful detainer and for the recovery of possession of land, except actions in ejectment or actions in the nature of actions in ejectment), cognizable before the circuit court, or a county court, a juvenile court, or a justice court, and all courts of like jurisdictions. It shall have authority to punish contempts by fine not exceeding \$50.00, and imprisonment not exceeding five days. It may adopt and enforce rules and regulations relative to pleading, procedure and practice, provided such rules and regulations are consistent with the Rules of Civil Procedure as adopted by the Supreme Court.

(b) The Court shall not have power to try persons charged with felonies. It shall not have jurisdiction of any civil action when the matter or sum in controversy exceeds \$2,000.00, nor take cognizance of any matter or proceeding formerly in equity, except as set out in Section 7, relating to the Juvenile Division of this Court.

(c) The court may adopt and enforce rules and regulations for pleading, practice and procedures in civil, criminal, juvenile and small claims cases consistent with the rules of civil and criminal procedure adopted for the circuit courts except as provided herein.

Section 3. Judge.

(a) A judge of the District Court shall be elected by the qualified electors of the county at the general election of 1974, and every four years thereafter. His term shall be for four years from the first Monday after the second Tuesday in January next succeeding his election, and until his successor is elected and qualified.

(b) The judge shall, before entering upon the discharge of the duties of office, take the oath prescribed by the Constitution. He may be removed from office for any cause enumerated in the Constitution, in the manner provided by law. No person shall be eligible for the office of judge unless he is, at the time of his appointment or election, a qualified elector of Lee County, learned in the law and licensed to practice law in this State. The judge shall not engage in the practice of civil or criminal law, and shall be subject to the same penalties and obligations as circuit judges. Any vacancy occurring in the office of judge shall be filled by appointment as provided in the Constitution.

(c) The judge shall receive an annual salary of \$20,000.00, payable out of the general fund of the county in equal monthly installments.

(d) The judge shall have authority to: (1) grant writs of habeas corpus and all other remedial and original writs which are granted by the circuit judges; (2) grant writs of injunction and ne exeat returnable to a court of proper jurisdiction, (3) administer oaths and take acknowledgments; (4) issue search warrants; (5) exercise such other powers, jurisdiction, or authority as may be conferred by law upon circuit judges, and judges of juvenile and county courts or district courts which may be hereafter created.

(e) The judge shall keep an office in the county courthouse, or such other place as shall be provided by the governing body of the county. His office shall be suitably equipped, furnished and provided at the expense of the county with such office supplies, telephone service, stationery, stamps, furniture, fixtures, and other materials as may be necessary for the transaction of the business of the court. The judge shall employ, at his discretion, such officers and employees as may be necessary to conduct the operation of the District Court and all of its divisions as provided in this Act, and shall fix their salaries with the approval of the county governing body. The judge, and all such officers and employees, shall be deemed to be employees of Lee County, Alabama.

Section 4. Sessions.

The District Court of Lee County, Alabama, shall be open for the transaction of any and all business or judicial proceedings of every kind within its jurisdiction at all times. Sessions of the court shall be held at the county courthouse or in such other places as may be determined by the judge to be necessary, and any additional facilities required by the judge for the court shall be provided by the county governing body. The judge of said court shall determine and fix by order spread upon the minutes a regular time of holding the sessions of said court as necessary for the orderly and speedy trial of all cases.

Section 5. Civil Division.

(a) The judge of the District Court of Lee County shall preside over the Civil Division hereby established for said court. Except as otherwise provided in this Act, the practice, procedure and process of the Civil Division of the District Court of Lee County shall be governed by the Alabama Rules of Civil Procedure, and statutes governing commencement and conduct of civil actions in the circuit courts.

(b) In civil actions when the summons, writ of attachment, summons and complaint in attachment, or other process has been executed on the defendant, or service perfected on him as required by law, the defendant shall appear and respond thereto within fifteen days, and the process issued shall so recite.

(c) The Civil Division of the District Court of Lee County shall not draw, organize, or empanel any jury for the trial of civil cases. The judge shall decide all issues of fact without the intervention of a jury.

(d) The sheriff shall attend the sessions of the District Court of Lee County in person or by deputy. He shall execute all writs and processes of the Civil Division of the District Court of Lee County, and perform the same duties as he would be required to perform in the circuit court.

(e) The party in whose favor a judgment is rendered shall have all the rights, remedies and privileges with respect to the registration and enforcement thereof as are provided by statute.

(f) All garnishment proceedings shall be governed by the pro-

visions of Chapter 27 of Title 7, Code of Alabama, 1940, as amended, except that the garnishee shall appear and respond within fifteen days after service of process is perfected on him, and the process shall so recite.

Section 6. Criminal Division.

(a) The judge of the District Court of Lee County shall preside over the Criminal Division of said Court. Prosecutions may be commenced in the Criminal Division of the District Court of Lee County upon the sworn complaint made to the judge of the court, who shall issue a warrant of arrest if he is reasonably satisfied that the offense has been committed and that there is reasonable cause to believe that the accused is guilty, or upon sworn complaint made as prescribed by law, the case shall be docketed for trial, and the trial shall be held and conducted as trials after indictments. The clerk shall keep a record of all complaints made and all warrants issued. If the original complaint or warrant is lost, mislaid, or destroyed, a certified copy of the same shall be sufficient for the arraignment and trial of the accused.

(b) All warrants issued in Lee County for misdemeanors for violation of the rules of the road and other misdemeanors defined or provided for in Code of Alabama, Title 36 as amended, shall be returnable to the District Court and shall be tried there.

(c) Either the District Attorney or the Assistant District Attorney for the judicial circuit in which Lee County is situated shall attend the sessions of the criminal division of the court, and shall conduct all criminal prosecutions in the court.

(d) The sheriff shall attend the sessions of the criminal division of the court in person or by deputy. He shall execute and serve all warrants and processes of the criminal court, and perform the same duties as he would be required to perform in the circuit court.

(e) The criminal division of the District Court shall not draw, organize, or empanel grand or petit juries. The judge shall decide all issues of fact without the intervention of a jury.

(f) In addition to the fines and forfeitures now provided by law to be paid into the general fund of Lee County, Alabama, one-half of all other fines and forfeitures collected in this court shall be paid into the general fund of Lee County, for the use of said county.

Section 7. Juvenile Division.

(a) Jurisdiction. The judge of the District Court of Lee County shall preside over the Juvenile Division of said court. The Juvenile Division shall have all of the powers and jurisdiction conferred by law upon Juvenile Courts, including specifically Chapter 7 of Title 13, and Chapter 11 of Title 52, all of Code of Alabama, 1940, as amended or recodified. In addition to the foregoing statutory jurisdiction pertaining to juveniles, while it is exercising its juvenile jurisdiction the District Court shall also have the general powers of equity courts in the exercise of their inherent equity jurisdiction to protect and care for children under the doctrine of *parens patriae*.

(b) Jury Trial. When a juvenile defendant is entitled to a trial by jury upon making timely demand therefor, or at the discretion of the judge, the judge shall empanel a jury to decide questions of fact in proceedings involving juveniles which would be criminal prosecutions except for the age of the juvenile. In the event a jury venire has been empanelled for the circuit court at the time a juvenile case is being tried, the judge may direct that the jury be selected from

such circuit court jury venire. Any adult charged with a violation of law pertaining to juveniles shall be tried by the court as in the Criminal Division thereof.

(c) **Juvenile Officers and Probation Officers.** The Judge of the Juvenile Court of Lee County, Alabama, may appoint one full-time juvenile court officer to conduct investigations and make reports in juvenile cases and to perform such other duties as the Judge may require. Such juvenile court officer need not possess the qualifications prescribed by law for probation officers. The Judge may also appoint such probation officers, possessing all the qualifications prescribed by law for probation officers, as are needed for the proper functioning of the juvenile court. It shall be the duty of the probation officers to assist the Court in the rehabilitation of children made wards of the court and of the State of Alabama, and any other children or persons who are proper subjects of this Court's juvenile jurisdiction. The probation officers shall supervise persons placed on probation by the Court in its capacities as a juvenile court, and investigate cases involving delinquency, dependency, neglect and suspected child abuse, and other related areas involving the welfare of juveniles and their families, and make proper reports to the Court as requested by the Judge or District Attorney. The probation officers may refer to the Department of Pensions and Security for investigation cases involving dependency, neglect and suspected child abuse. The compensation of the juvenile court officer and the probation officers shall be fixed by the Judge, subject to the approval of the county governing body; but the compensation of the juvenile court officer shall be a salary of not less than \$9,000.00 nor more than \$12,000.00 per year, and the compensation of each probation officer shall be a salary of not less than \$9,000.00 nor more than \$12,000.00 per year. Such salaries shall be payable out of the county treasury of Lee County at the same time and in the same manner as the salaries of other employees of Lee County.

(d) **Automobile, Equipment, Insurance and Professional Conferences.** The county governing body of Lee County shall also provide for furnishing such automobiles and other supplies and equipment as are reasonably needed by the Juvenile Court officer and the probation officer or officers, as the case may be, and such equipment as needed by the Court. The county governing body of Lee County shall also provide for paying the maintenance and operating expenses and insurance coverage of all such automobiles as are furnished. Such governing body shall also defray the reasonable expenses of the Judge and any other officer or employee of the juvenile court incurred in attending any conference, seminar or professional convention relative to the duties, powers and functions of the juvenile court of Lee County, Alabama, or the officers thereof.

(e) **Legal Representation**

(i) The District Attorney or his designated assistant may appear in the Juvenile Court of Lee County, Alabama, in behalf of and in representation of the State or juveniles or parties to the action.

(ii) In the absence of a public defender or in the absence of representation by retained counsel, the Judge of said Court may appoint legal counsel to represent the juvenile in any court proceeding, and said counsel shall be compensated from the County's General Fund as is provided by law.

Section 8. Small Claims Division.

The Small Claims Division of the District Court of Lee County shall be presided over by the judge of the Court, assisted by a Referee to be appointed by the judge of the District Court of Lee County. Said

Referee shall be paid not less than \$6,000.00 nor more than \$7,200.00 per annum, the exact amount to be fixed by the county governing body. The Small Claims Division of the District Court shall be responsible for the disposition of all claims in amounts not exceeding \$250.00. The Referee of the Small Claims Division shall be authorized to issue summons and complaints, and all appropriate writs to commence a suit, and in addition to issue process of garnishment, writs of detinue and attachment, after judgment or as provided by law. Personal service of process shall be executed by any lawful officer or constable and the fees and mileage provided by law for service of process in the circuit courts shall be charged and collected and thereafter paid to the constable or other officer or fund entitled thereto. Service of any process in the small claims division is effected on the person to be served by delivering to him a copy thereof with a copy of the complaint or other initial pleading, or by leaving such copies at either his usual place of abode or place of employment with some person of the family above 15 years of age or in charge of such place of employment, and in either event informing such person of their contents. In the alternative process may be made by certified mail addressed to the defendant's last known mailing address. In the event the defendant shows to the satisfaction of the court that he was not properly served and did not know of the existence of such suit before judgment was entered against him, and also shows to the satisfaction of the Court that he had a good defense to the claim, in whole or in part, the Court shall set aside any judgment by default and allow the defendant to interpose his defense; but, it shall not be necessary to re-serve the defendant. After service of process has been executed and perfected on the defendant as required by law, the defendant shall appear and answer thereto within five days, and the process issued shall so recite. The filing fee for claims for amounts not exceeding \$50.00 shall be \$5.00. The filing fee for claims for amounts not exceeding \$100.00 shall be \$10.00. The filing fee for claims for amounts in excess of \$100.00 shall be \$15.00. Such filing fees shall be paid in advance by the plaintiff and reimbursed to him if collected from the defendant. No other costs or charges except for service of process, shall be assessed the plaintiff or claimant in the Small Claims Division, but costs for other papers or writs filed shall be set by a schedule of costs to be fixed by the judge. The procedures and forms of the Small Claims Division shall be prescribed by the judge of the District Court of Lee County, and the Referee shall assist the plaintiff in the preparation thereof upon request. The Referee shall have authority to enter judgments by default, and by consent of the parties to hear and decide controversies and cases in the Small Claims Division, but any party may request his case to be tried before the judge of the District Court. The Referee may be a deputy clerk of this Court, and as such bonded and authorized to take payments or collections on judgments and to issue receipts therefor.

Section 9. Clerks.

(a) The Circuit Clerk of Lee County shall be the clerk of the Court herein established. In addition to his regular fees, commissions and compensations, the clerk shall receive for such services the sum of \$6,000.00 per annum which sum shall be payable in equal monthly installments from the general fund of the county. He shall have authority to purchase at county expense such records, stationery, office supplies and equipment as may be necessary to conduct the court's business. He shall keep a seal, which shall be the official seal adopted by the Court. Before entering upon the performance of his duties as clerk of the District Court of Lee County, he must give bond as required by law for clerks of county courts.

(b) It shall be the duty of the clerk to keep all the records, files,

and dockets of the court in an orderly manner and to perform all other duties required by the judge.

(c) The clerk shall have power and authority: (1) To administer oaths and take acknowledgments and affidavits; (2) To sign and issue all processes issuing out of the court, in all of its divisions, including warrants, affidavits, summonses, subpoenas, writs, executions, commitments and releases; (3) To approve bonds in civil and criminal cases including appeal bonds; (4) To enter all judgments, orders, and decrees of the court; (5) To certify all appeals and transcripts; (6) To exercise all powers and authority which are now or may be hereafter, conferred on clerks of county or district courts; (7) To supervise the administrative functions of the Small Claims Division of the District Court, subject to the approval of the judge of the District Court.

Section 10. Costs.

(a) For their attendance upon the court, witnesses shall be entitled to the fees and allowances prescribed by law for witnesses in the county courts, which fees and allowances shall be taxed, collected, and paid in the same manner and according to the same regulation as apply in the circuit courts.

(b) In addition to the fees for witnesses, the court shall have authority to tax costs and commissions for the use of the officers of the county as provided by law.

(c) A trial tax of \$5.00 shall be collected for the use of the county in each civil action except in the Small Claims Division, and in every criminal case, a trial tax of \$5.00 shall be collected for the use of the county.

(d) Costs in juvenile cases may be taxed by the Court as in cases formerly in equity, and the Court may decline to tax any costs at all. In addition to usual court costs the judge may tax as costs against a juvenile the amount necessary to make restitution to any person injured, damaged or wronged by such juvenile.

Section 11. Appeals

Any party aggrieved by a judgment, order, or ruling of the court may, within fifteen days after the rendition thereof, appeal the decision as herein provided. (1) If the case is a civil case, the appeal lies to the circuit court of Lee County where the trial shall be de novo with trial by jury where demanded by either party in writing filed with the clerk within 15 days after notice of appeal is filed with the clerk or at the option of the appellant the appeal lies to the court of civil appeals. Where a civil case is tried on appeal in the circuit court and the sum in controversy does not exceed \$250.00, the issues shall be made up as by the Court, and tried without the intervention of a jury; otherwise the pleadings and trial shall be according to the regular rules of pleadings and practice in the circuit court. (2) If the case arises under the court's jurisdiction with respect to juveniles, the appeal lies to the circuit court and shall be governed by statute. (3) In every criminal case, the appeal lies to the circuit court, but with appeal bond to be approved by the clerk and with trial by jury on demand by the defendant or at the option of the appellant to the court of criminal appeals and shall be governed by statute.

Section 12. Transfer of Pending Cases.

All cases and actions pending in the Court of Common Pleas of Lee County on the effective date of this Act shall be transferred to the Court herein created and shall proceed as though begun therein. As to judgments rendered by the abolished court; this Court shall have

the same power to control, and may issue executions and other processes thereon in all respects as though the judgments had been rendered by it.

Section 13. Court Reporter.

The judge of the District Court of Lee County shall secure the services of a competent shorthand writer to act as court reporter for such court. Such reporter shall be an officer of the Court while performing his duties, and shall have the same powers, duties and responsibilities as a reporter in the circuit court. Such reporter shall, while performing his duties as provided herein, be compensated from the county treasury at the same rate and in the same manner as circuit court reporters, and shall serve at the pleasure of the judge.

Section 14. Severability.

The provisions of this Act are severable. If any part of it is declared unconstitutional or invalid, such declaration shall not affect the part that remains.

Section 15. Repealer.

All laws in conflict with this Act are repealed to the extent of the conflict.

Section 16. Effective Date.

This Act shall become effective on the first Monday after the second Tuesday in January, 1975.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Foshee	Lybrand	Pierce	
Branyon	Gilmore	McLain	Shelby	
Carr	Givhan	Melton	Vacca	
Clark	Harris	Noonan	Wilder	
Dominick	Horne	Owen	Wilson	
Dozier	King			—25

Nays:

—0

CONFERENCE REPORT ON S. B. 777

We, the undersigned members of the Committee on Conference appointed to reconcile the differences between the two houses on the House Substitute to S. B. 777, beg leave to report as follows:

Said Conference Committee has reached an agreement. We recommend that the two houses adopt the following Substitute to the bill, S. B. 777.

Senator L. D. Owen, Jr.
 Senator Joe Fine
 Senator E. C. Foshee
 (Conferees on part of the Senate)

Daniel L. Kinsey
 Thomas H. Benton
 Harold B. Wise
 (Conferees on part of the House)

SUBSTITUTE FOR S. B. 777

A BILL
TO BE ENTITLED
AN ACT

Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing an additional expense allowance for the county solicitor from the County Solicitor's Fund of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. In counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, the county solicitor is entitled to and shall receive, in equal monthly installments from the County Solicitor's Fund of such counties, \$100.00 per month as an expense allowance. The allowance herein provided shall be in addition to any and all other such expense allowances heretofore provided by law.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

CONFERENCE REPORT

On motion of Mr. Owen, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 777. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing an additional expense allowance for the county solicitor of such counties.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lybrand	Pierce	
Bailes	Gilmore	McLain	Register	
Baker	Givhan	Malone	Shelby	
Carr	Harris	Melton	Vacca	
Clark	Horne	Noonan	Wilder	
Dominick	Jones	Owen	Wilson	
Dozier	Lindsey			—25

Nays:

—0

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 150. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE PROBATE LAW OF ALABAMA TO CONFORM TO THE UNIFORM PROBATE CODE.

Mr. Bailes offered the following substitute for the Resolution, H. J. R. 150, to-wit:

SUBSTITUTE FOR H. J. R. 150

Be It Resolved By The Legislature Of Alabama, Both Houses Thereof Concurring:

That there is hereby created a joint interim committee for the purpose of making an investigation and study relative to amending the probate law of Alabama to conform to the Uniform Probate Code.

The Committee shall be composed of three members from the House, to be appointed by the Speaker of the House, and three members from the Senate, to be appointed by the Lieutenant Governor. The members of the committee shall elect a chairman and a vice-chairman.

The members of the Committee shall be allowed, for not exceeding ten days, the regular per diem for expenses now allowed the members of the Legislature for their attendance during regular sessions. Payment shall be made upon certificates of attendance signed by the Chairman or Vice-Chairman.

The Committee shall seek the advice, assistance and cooperation of the Alabama Law Institute, the Alabama Bar Association, and other persons or groups of persons in an effort to do everything possible to improve the probate laws of Alabama, and to that end may hold public hearings if deemed advisable.

The Committee shall report its findings, conclusions, and recommendations to the Legislature not later than the fifth (5th) legislative day of the 1975 Regular Session, whereupon the Committee shall be dissolved.

Which was adopted.

And, on motion of Mr. Bailes, said Resolution, H. J. R. 150, as thus amended by the substitute, was then concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 183. To alter, rearrange and extend the boundary lines and corporate limits of the Town of New Site, in Tallapoosa County.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Wilder, the Senate non-concurred in the following House amendment to the Bill, S. B. 183, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 183

Strike the first paragraph of Section 1 of the bill and insert in lieu thereof the following words and figures:

Section 1. Subject to the approval of the voters residing in the additional area to be incorporated in the boundary lines and corporate limits of the Town of New Site in Tallapoosa County, Alabama, as hereinafter described, who vote in an election to be held for that purpose, which election shall be called, held and conducted in the manner

provided by Code of Alabama 1940, Title 37, Section 135, as amended, and subject to the publication of a poll list of the voters of the entire county prior to the calling of such election, and further subject to the proviso that if the incorporation of such additional area is approved by the voters who vote in such election, that no farm land lying within such additional area shall be subject to taxation by the Town of New Site, the corporate limits of the Town of New Site shall be altered, rearranged and extended so as to include all of the following territory, to-wit:

and requested a Committee on Conference.

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Wilder, Weaver and Wilson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1048, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill No. 1048, with a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 13th DAY OF SEPTEMBER, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

At the request of the sponsor, I am returning to you, the Body in which it originated, House Bill No. 1048, without my approval and with the following suggested Executive Amendment.

It is suggested that Section 7, Line 3 be amended by deleting the following words:

"the county treasurer of said county may order compliance with the provisions of this Act"

and inserting in lieu thereof the following:

"the county treasurer of the county may petition the Circuit Court for an order to obtain compliance with the provisions of this Act".

It is further suggested that Section 10 be amended by deleting Section 10 in its entirety and inserting in lieu thereof the following:

"Section 10. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain."

The adoption of the above suggested amendment will remove objections to the bill.

Respectfully,

GEORGE C. WALLACE,
Governor of Alabama.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1048, by a vote of Yeas 75, Nays 0, which was a majority of the whole number elected to the House.

And the Bill:

H. 1048. Relating to a system of accounting reporting for counties having populations of 600,000 or more according to the most recent federal decennial census; providing for publication of accounting information by all local units of government in such counties; to establish what such information should include; to set a date for the commencement of such reporting system; to provide that reports be made by auditors and examiners as to compliance with such system; to provide methods for enforcement of such reporting and compliance with such reporting system, and for penalties for lack of compliance.

As amended by the amendment proposed by His Excellency, the Governor, was again passed by a vote of Yeas 67, Nays 0, which was a majority of the whole number elected to the House.

And said bill together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Dominick, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1048, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham
Bailes	Gilmore	Lybrand	Pierce
Branyon	Givhan	McLain	Shelby
Carr	Hawkins	Melton	Vacca
Cook	Horne	Noonan	Wilder
Dominick	Jones	O'Bannon	Wilson
Edington	King		

—25

Nays:

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1048, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pelham	
Bailes	Fine	Lybrand	Pierce	
Baker	Gilmore	McLain	Shelby	
Carr	Givhan	Melton	Vacca	
Clark	Hawkins	Noonan	Wilder	
Cook	Horne	Owen	Wilson	
Dominick	King			—25

Nays: —0

which was a majority of the whole number elected to the Senate.

FURTHER CONSIDERATION OF H. B. 1319

The Senate proceeded to further consideration of the Motion in Writing by Mr. Carr that the Senate reconsider the vote by which the Bill, H. B. 1319, as amended, was passed.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 99. CHANGING THE TUSCALOOSA STATE TRADE SCHOOL TO "GEORGE E. MANLEY STATE TRADE SCHOOL."

Also:

S. J. R. 123. THAT HOUSE BILL 112 IS HEREBY KNOWN AS "THE THOMAS REED BILL".

Also:

S. J. R. 124. COMMENDING THE MEDICAL ASSOCIATION OF THE STATE OF ALABAMA WHO PARTICIPATED IN THE "PHYSICIAN FOR A DAY."

Also:

S. J. R. 125. COMMENDING SENATOR JAMES A. BRANYON.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 145. To amend Title 52, Section 351, Code of Alabama, 1940, as amended, to provide that certificated employees of the Alabama Institute for Deaf and Blind, Alabama Industrial School for Boys, Alabama Industrial School for Girls, and Alabama Industrial School at Mt. Meigs shall be defined as teachers and shall be covered under the Alabama Teacher Tenure Law.

Also:

S. 111. To amend Section 3 of Act 437, H. 713, Acts of Alabama, 1949, page 633, which relates to establishing a sinking fund by mu-

nicipalities, by amending Section 3 of said act so as to authorize employment of a savings and loan association, organized either under the laws of the State of Alabama or of the United States, to act as Trustee of such sinking fund.

Also:

S. 759. To authorize the incorporation in any county in this state having a population of not less than 50,000 nor more than 100,000 according to the most recent federal decennial census of one or more public corporations for hospital purposes, including the acquisition, financing, owning, operating and/or leasing of hospitals, clinics, sanatoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons and buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing, or for dormitories or residences for hospital personnel and students, together with all real property for the location or better utilization of a hospital, medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid facilities; to provide the method of affecting the incorporation of such a corporation and electing the members of its board of directors; to provide for the offices of Chairman and Vice Chairman of the board of directors of such corporation; to specify the powers of such board of directors and the powers of such corporation; to authorize the issuance by such corporation of securities and the mortgage and pledge of its properties and revenues as security therefor; to provide that securities of such corporation shall be negotiable instruments and shall be eligible for investment of trust funds; to exempt from taxation all such securities, the income therefrom, any instrument executed as security therefor, all lease agreements made by such corporation and all revenues derived from such leases, and the income and properties of such corporation; to provide for the dissolution of such corporation; to exempt such corporations from the laws of this State governing usury or limiting interest rates and competitive bidding; and to authorize the county in which such corporation may be organized and any municipality located in such county to transfer and convey to such corporation without consideration therefor hospitals, other public health facilities, any funds and assets, tangible or intangible, relative to the ownership or operation of any hospital, and funds raised or allocated for hospital purposes.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 342. To make appropriations for the renovation, restoration, refurbishing and refurnishing of certain state buildings.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1309. To make a conditional supplemental appropriation to the Department of Public Safety and the Department of Conservation and Natural Resources, for the fiscal years ending September 30, 1974 and September 30, 1975.

JOHN W. PEMBERTON,
Clerk.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 122. COMMENDING MR. Otis R. Burton upon his retirement as Tax Collector of Talladega County.

Also:

S. 245. To amend Article 3 of Chapter 10 of Title 55, Code of Alabama 1940 by amending Section 347 thereof, relating to creation of boxing and wrestling commission, membership, oath, etc; to further amend Section 348 thereof, relating to seal; powers, authority and duties of the commission; and to amend Section 349 thereof relating to compensation and expenses of members.

Also:

S. 364. To further amend Section 8 of Title 8 of the Code of Alabama of 1940, as amended, which pertains to the Advisory Board of Conservation and Natural Resources; providing that two additional members be added to the Advisory Board of Conservation; providing that the semi-annual regular meetings of said Board be held at times designated by chairman of Board or the Commissioner of Conservation and Natural Resources; eliminating requirement that meetings of Board be held in offices of the Department of Conservation and Natural Resources; and eliminating the prohibition on more than two special meetings of Board per year.

Also:

S. J. R. 118. MOURNING THE DEATH OF JAMES W. OAKLEY, SR.

Also:

S. J. R. 119. MOURNING THE DEATH OF FRANK P. SAMFORD

Also:

S. J. R. 120. OBSERVING THE 10th ANNIVERSARY OF THE USS ALABAMA BATTLESHIP COMMISSION

Also:

S. 284. To provide for the creation, staffing, and functioning of a fiscal office to serve both houses of the Legislature and the members thereof.

Also:

S. 77. To amend the title and Section 1 of Act No. 281, S. 217, Third Special Session 1971 (Acts 1971, p. 4556), providing supplemental

salaries for supernumerary circuit judges in judicial circuits composed of one county having a certain number of circuit judges.

Also:

S. 136. Prohibiting the larceny, removal, or abandonment of shopping carts from the premises of grocery stores and other merchant stores; and providing penalties therefor.

Also:

S. 181. To provide for equalization of the maximum rate of interest permitted to be charged by State banks with the maximum rate permitted by State law to be charged by any competing state chartered or licensed lending institution or by Federal law to any competing national bank.

Also:

S. 293. To amend Act No. 222, S. 225, Regular Session 1969 (Acts 1969, p. 542), which relates to authorizing the State Treasurer to destroy certain cancelled state warrants after six years elapse from issuance of said cancelled warrants, so as to allow such destruction after three years.

Also:

S. 523. To name and designate a certain structure in the Alabama Heart Hospital at the Medical Center of the University of Alabama in Birmingham as the "Spain Tower."

Also:

S. 778. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing for an additional clerk hire allowance for the offices of probate court within such counties.

Also:

S. 780. To authorize the district attorney of the Ninth Judicial Circuit to appoint two part-time deputy district attorneys, and to prescribe their duties; to fix their compensation and the manner of its payment.

Also:

S. 863. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salaries of bailiffs appointed by any circuit judge of the judicial circuit in which such county lies.

Also:

S. 866. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the salary of the clerical assistants to the district attorney of the judicial circuit in which such county lies.

Also:

S. 878. Relating to all counties having a population of not less than 41,750 nor more than 45,000 according to the most recent federal decennial census, setting the salary for the County Solicitor or Deputy District Attorney.

Also:

S. 895. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census; providing an annual expense allowance for the sheriff of such counties.

Also:

S. 757. Relating to counties having populations of not less than 54,500 nor more than 56,000 according to the most recent federal decennial census; to authorize the governing body to use funds donated for hospital service to indigents for matching funds under the provisions of Act No. 394, H. 204, Regular Session 1957 (Acts 1957, p. 539) and for matching any other state or federal funds available for hospital service to indigents.

Also:

S. 618. To authorize the Tax Assessor, Tax Collector, and Clerk of the Circuit Court, Circuit Judge, Judge of Probate Court and Judge of the Intermediate Court in all counties having a population of not less than 23,900 nor more than 24,450 to hire clerical assistants, to set the compensation of such assistants, and to provide that the salaries of such assistants be paid from the general funds of such Counties.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 421. To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court, judges of the courts of appeal, and circuit court judges.

was taken up.

Mr. Fine offered the following substitute for the Bill, H. B. 421, to-wit:

SUBSTITUTE FOR H. B. 421

A BILL TO BE ENTITLED AN ACT

To fix the annual compensation of certain state officers.

Be It Enacted by the Legislature of Alabama:

Section 1. The annual salary of the Governor shall be fifty thousand dollars (\$50,000).

Section 2. The annual salary of the Lieutenant Governor shall be \$35,000.

Section 3. The annual salary of the Chief Justice of the Supreme Court shall be thirty-five thousand dollars (\$35,000), and the annual salary of each Associate Justice of the Supreme Court shall be thirty-three thousand five hundred dollars (\$33,500.00).

Section 4. The annual salary of each Judge on each Court of Appeals shall be thirty-three thousand dollars (\$33,000.00).

Section 5. The annual salary payable by the State of Alabama to each Circuit Judge shall be twenty-five thousand dollars (\$25,000.00).

Section 6. The annual salary payable by the State of Alabama to the District Attorneys shall be twenty-four thousand dollars (\$24,000.00).

Section 7. The annual salary of the Attorney General and the Commission of Agriculture and Industries shall be thirty thousand dollars (\$30,000.00). The annual salary of the Speaker of the House shall be seventeen thousand five hundred dollars (\$17,500.00).

Section 8. The annual salary of the State Auditor, the Secretary of State and the State Treasurer shall be twenty-seven thousand five hundred dollars (\$27,500.00).

Section 9. The annual salary of the Director of Finance, the Governor's Executive Secretary, the Highway Director, the Commissioner of Pensions and Security, the Commissioner of Revenue, the Director of Alabama Development Office, the Administrator of the Alcoholic Beverage Control Board, the Commissioner of Department of Conservation, the Commissioner of Board of Corrections, the Director of State Docks, and the Director of the Department of Industrial Relations shall be fixed by the Governor at a sum not to exceed thirty thousand dollars (\$30,000.00).

Section 10. The annual salary of the Governor's Legal Advisor, the Governor's Confidential Assistant, the Governor's Press Secretary, the Director of Public Safety, and the Director of Personnel shall be fixed by the Governor at a sum not to exceed twenty-seven thousand five hundred dollars (\$27,500.00).

Section 11. The annual salary of the Public Service Commissioners, Director of Legislative Reference Service, Members of the Board of Pardons and Paroles, the Chief Examiner of Public Accounts, the Superintendent of Banks, the Superintendent of Insurance, the Adjutant General, the Director of Archives and History, the State Toxicologist, the Securities Commissioner, the State Geologist, and the Director of Labor shall be fixed by the Governor at a sum not to exceed twenty-five thousand dollars (\$25,000.00).

Section 12. The annual salary of the Executive Director of the Historical Commission, the Director of Publicity and Information, the Director of Aeronautics, the Director of Civil Defense and the Director of Commission on Aging, shall be fixed by the Governor at a sum not to exceed twenty-two thousand five hundred dollars (\$22,500.00).

Section 13. Unless otherwise fixed by law, the salaries of appointed department heads and other officers and employees appointed in the exempt service, the executive assistants in the Governor's Office and assistant department heads shall be fixed by the Governor at an amount not to exceed twenty-two thousand five hundred dollars (\$22,500.00) per annum; provided that where some other authority than the Governor appoints such an officer or employee, the salary shall be fixed by the appointing authority with the approval of the Governor and the State Personnel Board at a sum not to exceed the sum of twenty-two thousand five hundred dollars (\$22,500.00) per annum.

Section 14. There is hereby appropriated sufficient money from

the funds from which the salaries or compensation of the officers, justices, judges, officers or positions are paid for each fiscal year hereafter to pay all of the salaries or compensation of the officers, justices, judges, offices, or positions affected by this Act. The said salaries or compensation shall have the same effect upon appropriations as if the salaries or compensation were set in a specific amount by legislative act.

Section 15. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 16. All laws or parts of laws which conflict with this Act are repealed.

Section 17. The salary provided for the Lieutenant Governor in Section 2, shall not take effect until 1975 with the term of the next Lieutenant Governor of this State. It shall be in lieu of any present salary provided for by law and may be considered an expense allowance in accordance with the Constitution of Alabama.

Section 18. This Act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law, provided, however, that none of the above salary changes shall take effect until January of 1975, on the same date that the next Governor takes office.

Mr. Harris moved that further consideration of the Bill, H. B. 421, and pending substitute, be postponed temporarily.

On motion of Mr. Fine, the motion to postpone was laid on the table.

Yeas 15; Nays 14.

Yeas:

Messrs.:	Clark	Givhan	Owen
Bailes	Dozier	Lindsey	Pelham
Baker	Fine	Littleton	Vacca
Carr	Foshee	Melton	Weaver

—15

Nays:

Messrs.:	Gilmore	King	Register
Branyon	Harris	Lybrand	Wilder
Cook	Hawkins	Noonan	Wilson
Dominick	Jones	Pierce	

—14

Mr. Lybrand moved that the substitute for the Bill, H. B. 421, be laid on the table, which motion was lost.

Mr. Lybrand moved that further consideration of the Bill, H. B. 421, and pending substitute, be postponed for one hour.

Mr. Fine moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 14; Nays 18.

Yeas:

Messrs.:	Fine	Lindsey	Shelby
Carr	Foshee	Melton	Vacca
Clark	Givhan	Owen	Weaver
Dozier	Horne	Pelham	

—14

Nays:

Messrs.:	Dominick	Jones	Pierce	
Bailes	Edington	King	Register	
Baker	Gilmore	Lybrand	Wilder	
Branyon	Harris	Malone	Wilson	
Cook	Hawkins	Noonan		—18

The question was then on the motion of Mr. Lybrand that further consideration of the Bill, H. B. 421, and pending substitute, be postponed for one hour, and said motion to postpone was then lost.

Yeas 12; Nays 18.

Yeas:

Messrs.:	Gilmore	Lybrand	Register	
Bailes	Harris	Malone	Shelby	
Baker	Jones	Pierce	Vacca	
Dominick				—12

Nays:

Messrs.:	Fine	Littleton	Pelham	
Carr	Foshee	McLain	Weaver	
Clark	Givhan	Melton	Wilder	
Dozier	Hawkins	Noonan	Wilson	
Edington	Lindsey	O'Bannon		—18

Mr. Pelham offered the following amendment to the substitute for the Bill, H. B. 421, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 421

Amend Section 1 of H. B. 421 as substituted by deleting "\$50,000.00" and substituting "25,000.00".

On motion of Mr. Pelham, said amendment was laid on the table.

Mr. Lindsey offered the following amendment to the substitute for the Bill, H. B. 421, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 421

Amend Substitute for H. B. 421 by deleting Section 7 in its entirety and substituting the following therefor.

Section 7. The annual salary of the Attorney General shall be \$35,000 per year. The annual salary of the Commissioner of Agriculture and Industries shall be \$30,000 per year. The annual salary of the Speaker of the House shall be \$17,500 per year.

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 421, was then adopted by the Senate.

Yeas 26; Nays 5.

Yeas:

Messrs.:	Cook	Foshee	King
Bailes	Dozier	Givhan	Lindsey
Carr	Edington	Hawkins	Littleton
Clark	Fine	Horne	Lybrand

McLain	Noonan	Register	Weaver	
Malone	O'Bannon	Shelby	Wilder	
Melton	Pelham	Vacca		—26

Nays:

Messrs.:	Branyon	Harris	Wilson	
Baker	Dominick			—5

Mr. Lybrand moved that the Senate reconsider the vote by which the substitute, as amended, for the Bill, H. B. 421, was adopted.

On motion of Mr. Fine, the motion to reconsider was laid on the table.

Mr. Harris then offered the following amendment to the Bill, H. B. 421, as amended by the substitute, to-wit:

AMENDMENT TO H. B. 421, AS AMENDED

Amend Section 18 by adding the following language in the second line of said Section 18 immediately after the "Governor," where that word appears:

"and upon its approval in a referendum to be held in the next General Election where the question of whether the salaries fixed herein shall become effective shall be submitted to a vote of all of the people of Alabama."

On motion of Mr. Fine, said amendment was laid on the table.

Yeas 20; Nays 11.

Yeas:

Messrs.:	Fine	King	O'Bannon	
Bailes	Foshee	Lindsey	Owen	
Carr	Gilmore	Littleton	Register	
Clark	Givhan	Melton	Vacca	
Cook	Hawkins	Noonan	Weaver	
Dozier				—20

Yeas:

Messrs.:	Dominick	Lybrand	Pierce	
Baker	Harris	McLain	Wilder	
Branyon	Jones	Malone	Wilson	—11

Mr. Baker offered the following amendment to the Bill, H. B. 421, as amended, to-wit:

AMENDMENT TO H. B. 421, AS AMENDED

Amend H. B. 421, as amended, by adding Section 2A as follows:

"Section 2A. The annual salary of the Legislature shall be \$17,500.00 which shall be considered an expense allowance."

On motion of Mr. Fine, said amendment was laid on the table.

And said Bill, H. B. 421, as thus amended, was read a third time at length and passed.

Yeas 18; Nays 11.

Yeas:

Messrs.:	Foshee	McLain	Shelby	
Carr	Givhan	Melton	Vacca	
Clark	Hawkins	Owen	Weaver	
Cook	Lindsey	Pelham	Wilson	
Fine	Littleton	Register		—18

Nays:

Messrs.:	Branyon	Jones	Malone	
Bailes	Dominick	King	Pierce	
Baker	Harris	Lybrand	Wilder	—11

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 3. To amend Section 1 of Act No. 2128, S. 5, 1971 Regular Session approved September 20, 1971, entitled "An Act To provide sales and use tax exemptions for certain medicines purchased by prescription," so as to extend the tax exemption to persons who are retired due to permanent and total disability, regardless of age, or who are blind regardless of age or whether such person is retired, and to give the Commissioner of the State Department of Revenue certain duties and powers in connection therewith.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 4. To amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from State ad valorem taxes, so as to provide additional exemptions for persons who are retired due to permanent and total disability, regardless of age, or who are blind regardless of age or whether such person is retired, and to give the State Commissioner of Revenue certain powers and duties in connection therewith.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF S. B. 1

The Senate proceeded to further consideration of the Bill:

S. 1. To establish a state ethics commission and to provide a state ethics law which requires that certain statements of economic interest be filed by public officials and which prohibits certain practices by public officials which conflict with a proper safeguarding of the public trust. Violations thereof shall be considered a felony. Also relating to the activities, registration, and reporting requirements of persons engaged in activities designed to influence legislation.

The question was on the House amendment to the Bill, S. B. 1, which said amendment is set out earlier in the Journal of the Senate for the Thirty-Sixth Legislative Day.

Mr. Dominick moved that the Senate non-concur in said House amendment to the Bill, S. B. 1, and request a Committee on Conference.

Mr. Dominick then moved, as a substitute motion, that the Senate concur in said House amendment to the Bill, S. B. 1.

Mr. Pelham moved that the motion to concur be laid on the table, which motion was lost.

Yeas 13; Nays 20.

Yeas:

Messrs.:	Harris	Lybrand	Pelham	
Clark	Jones	Melton	Pierce	
Dozier	King	O'Bannon	Wilson	
Givhan	Lindsey			—13

Nays:

Messrs.:	Edington	Horne	Register	
Bailes	Fine	Littleton	Shelby	
Baker	Foshee	McLain	Vacca	
Carr	Gilmore	Malone	Weaver	
Cook	Hawkins	Noonan	Wilder	
Dominick				—20

The question was then on the substitute motion of Mr. Dominick, which was adopted, and the Senate concurred in the House amendment to the Bill, S. B. 1.

Yeas 21; Nays 12.

Yeas:

Messrs.:	Edington	King	Register	
Bailes	Fine	Littleton	Shelby	
Baker	Foshee	McLain	Vacca	
Carr	Gilmore	Malone	Weaver	
Cook	Hawkins	Noonan	Wilder	
Dominick	Horne			—21

Nays:

Messrs.:	Harris	Lybrand	Pelham	
Clark	Jones	Melton	Pierce	
Dozier	Lindsey	O'Bannon	Wilson	
Givhan				—12

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1211. To amend Section 33 of Act No. 100 enacted at the 1959 Second Special Session of the Legislature of Alabama, as heretofore amended, so as to exempt from the provisions of said Act, and from the computation of the amount of sales tax levied, assessed or payable thereunder, the gross proceeds from the sale of all devices, identifiable parts of devices, systems or facilities used or placed in operation in the State of Alabama, or intended for use or operation in the State of Alabama,

primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the gross proceeds from the sale of all materials used in the State of Alabama, or intended for use in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1212. To amend Section 402 of Title 51 of the Code of Alabama of 1940, as heretofore amended, to provide for the allowance of a deduction, for Alabama corporate income tax purposes, for all amounts invested in devices, parts of devices, systems or facilities used or placed in operation in the State of Alabama, or to be used or placed in operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, to provide for, in lieu of such deduction, the amortization of all such amounts over such period (not exceeding the useful life of the devices, parts, systems or facilities for which such amounts were expended) as shall be specified in the tax return respecting the taxable year during which such amounts were expended and for appropriate deductions of the amounts so amortized, to provide that the taking of any such deductions shall be optional with the taxpayer, to provide that any such deduction, if taken, shall be in lieu of any other allowance for depreciation or obsolescence with respect to such devices, parts, systems or facilities, and to provide that none of such deductions shall be subject to any apportionment or allocation otherwise required and that all thereof shall be allowed in full.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1213. To amend Section 789 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt from the state use tax, the storage, use or consumption of any devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the storage, use or consumption of any materials used primarily for the protection of the public and the public interest through the control, reduction or elimination of air and water pollution.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1214. To amend Section 2 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt from ad valorem taxation all devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1215. To amend Section 25 of Title 51 of the Code of Alabama 1940, as heretofore amended, so as to provide for the deduction, from the assessed value of the shares of any Alabama corporation for the purpose of taxation of such shares, of the assessed value of all devices, identifiable parts of devices, systems and facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1216. To amend Section 348 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, for purposes of computing the franchise tax on foreign corporations, of all amounts invested in all devices, identifiable parts of devices, systems and facilities used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1284. To provide for the uniform minimum compensation for all deputy sheriffs in certain counties having less than 600,000 population according to the last or any subsequent federal census in the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1214. To amend Section 2 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt from ad valorem taxation all devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

Also:

H. 1213. To amend Section 789 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to exempt, from the state use tax, the storage, use or consumption of any devices, identifiable parts of devices, systems or facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the storage, use or consumption of any materials used primarily for the protection of the public and the public interest through the control, reduction or elimination of air and water pollution.

Also:

H. 1216. To amend Section 348 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, for purposes of computing the franchise tax on foreign corporations, of all amounts invested in all devices, identifiable parts of devices, systems and facilities used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

Also:

H. 617. To amend Act No. 1260, Regular Session, 1971; to provide criminal penalties for willful or gross negligent violations of said act; to provide criminal penalties for knowingly making false statements, representations, or certifications in material filed or required to be maintained under said act, and for falsifying, tampering, or knowingly rendering inaccurate monitoring devices or methods required to be maintained under said act; and to provide an effective date.

Also:

H. 1211. To amend Section 33 of Act No. 100 enacted at the 1959 Second Special Session of the Legislature of Alabama, as heretofore amended, so as to exempt from the provisions of said Act, and from the computation of the amount of sales tax levied, assessed or payable thereunder, the gross proceeds from the sale of all devices, identifiable parts of devices, systems or facilities used or placed in operation in the State of Alabama, or intended for use or operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, and the gross proceeds from the sale of all materials used in the State of Alabama, or intended for use in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

Also:

H. 1215. To amend Section 25 of Title 51 of the Code of Alabama of 1940, as heretofore amended, so as to provide for the deduction, from the assessed value of the shares of any Alabama corporation for the purpose of taxation of such shares, of the assessed value of all devices, identifiable parts of devices, systems and facilities constructed, used or placed in operation in the State of Alabama primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution.

Also:

H. 1212. To amend Section 402 of Title 51 of the Code of Alabama of 1940, as heretofore amended, to provide for the allowance of a deduction, for Alabama corporate income tax purposes, for all amounts invested in devices, parts of devices, systems or facilities used or placed in operation in the State of Alabama, or to be used or placed in operation in the State of Alabama, primarily for the protection of the public and the public interest through the control, reduction or elimination of air or water pollution, to provide for, in lieu of such deduction, the amortization of all such amounts over such period (not exceeding the useful life of the devices, parts, systems or facilities for which such amounts were expended) as shall be specified in the tax return respecting the taxable year during which such amounts were expended and for appropriate deductions of the amounts so amortized, to provide that the taking of any such deductions shall be optional with the taxpayer, to provide that any such deduction, if taken, shall be in lieu of any other allowance for depreciation or obsolescence with respect to such devices, parts, systems or facilities, and to provide that none of such deductions shall be subject to any apportionment or allocation otherwise required and that all thereof shall be allowed in full.

Also:

H. 1309. To make a conditional supplemental appropriation to the Department of Public Safety and the Department of Conservation and Natural Resources, for the fiscal years ending September 30, 1974 and September 30, 1975.

Also:

H. 342. To make appropriations for the renovation, restoration, refurbishing and refurnishing of certain state buildings.

Also:

H. 3. To amend Section 1 of Act No. 2128, S. 5, 1971 Regular Session approved September 20, 1971, entitled "An Act To provide sales and use tax exemptions for certain medicines purchased by prescription," so as to extend the tax exemption to persons who are retired due to permanent and total disability, regardless of age, or who are blind regardless of age or whether such person is retired, and to give the Commissioner of the State Department of Revenue certain duties and powers in connection therewith.

Also:

H. 4. To amend the Code of Alabama 1940, Title 51, Section 15, as amended, relating to the exemption of homesteads from State ad valorem taxes, so as to provide additional exemptions for persons who are retired due to permanent and total disability, regardless of age, or who are blind regardless of age or whether such person is retired, and to give the State Commissioner of Revenue certain powers and duties in connection therewith.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 237 Commending Ralph "Shug" Jordan and renaming Cliff Hare Stadium the Jordan-Hare Stadium.

Also:

H. J. R. 278. Commending Mrs. Sadie Davis for a job "well done".

Also:

H. J. R. 252 Expressing the regret of the legislature upon the death of Vasser Calvin Hartley

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1822. Relating to counties having a population not less than 175,000 nor more than 300,000 according to the most recent federal decennial census; To amend Title 11, Section 81, Code of Alabama 1940 as recompiled in 1958; to provide for collection of fees in certain misdemeanor cases where defendant pleads guilty.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title has been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 644. To amend Act No. 40, S. 4, Second Special Session of 1956 (Acts 1956, p. 328), as amended relating to courts of General Sessions of Mobile.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1207. To amend Section 4.06 of Act No. 452, H. 974, Regular Session of the Legislature of Alabama of 1955, Approved September 9, 1955 (Acts of 1955, Page 1004), as amended, providing a Mayor-Council form of government for cities having a population of 300,000 inhabitants or more according to the last or any subsequent Federal Census.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1522. To establish an intermediate court in Madison County, Alabama, in lieu of all other intermediate or inferior courts created in lieu of justices of the peace heretofore created in said County, said court to be called the General Sessions Court of Madison County; to define the jurisdiction and powers of said Court and the officers thereof; to provide for the election or appointment of the Judges, Clerk, and other officers of said court; to fix the terms or tenure of office of the officers of said court and provide for their salaries and compensation and the methods of payment of same; to designate the officials to serve processes issued by said court, and define their duties and the duties of other officials with respect to said court; and, to otherwise provide for said court.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1353. To establish, in Cullman County, a clerk of the intermediate court, to provide for a deputy clerk and assistant clerks in such office, to provide for salaries of such clerks and to provide for equipment and other necessary expenses for such office.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1809. To amend Act No. 386, H. 960, Regular Session 1969 (Acts 1969, Regular Session, p. 763) so as to increase the compensation of the Judge of the Inferior Court of Geneva County.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 787. To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and to provide the means and manner for the payment of the same, so as to provide further for such compensation.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 777. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing an additional expense allowance for the county solicitor from the County Solicitor's Fund of such counties.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference is herewith returned to the Senate.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 298. To amend Act No. 218 adopted at the 1967 Special Session of the Legislature respecting municipal public park and recreation boards, to exempt any corporation organized pursuant thereto from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, and from the laws of the State of Alabama requiring competitive bidding in connection with contracts, and to amend the definitions in the said act to include public restroom facilities, boats, rides and amusement facilities in the definition of "project" therein.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Baker, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 298, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 298

Amend Section 2 of Senate Bill 298 by changing the number "19" to the number "20", and by changing the number "20" to the number "21" wherever said numbers appear.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Pierce
Bailes	Fine	Lybrand	Register
Baker	Foshee	Malone	Shelby
Branyon	Hawkins	Melton	Vacca
Carr	Jones	Owen	Weaver
Dominick	King	Pelham	Wilder
Dozier			

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 402. To provide that the State Personnel Department, with the advice of The Alabama State Employees' Association, shall provide for service recognition pins for state personnel.

Also:

S. 386. To authorize incorporated cities and towns to transfer and convey with, or without consideration, to a medical clinic board incorporated pursuant to Act No. 516 adopted at the 1955 Regular Session of the Legislature of Alabama, approved September 9, 1955 (Acts of 1955, p. 1160, et seq.) as amended, with the approval of its governing body, any property, including medical clinics or clinical facilities, hospitals and hospital facilities and assets, and any land used or useable for medical clinic or hospital purposes, including any hospitals or hospital property or assets received by such municipality upon the dissolution of a hospital building authority incorporated pursuant to the provisions of Act No. 109, General Laws of Alabama, approved August 1, 1961.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 106. Permitting foreign nurses to practice as licensed nurses on a temporary basis.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 72. To amend the title and Section 1 of Act No. 282, S. 218, Third Special Session 1971 (Acts 1971, p. 4556), fixing supplemental salaries of circuit judges in judicial circuits composed of one county having a certain number of circuit judges.

Also:

S. 527. To apply in all counties having less than 600,000 population according to the last or any subsequent federal census. To provide for the keeping of records by junk dealers and scrap metal processors of the purchases of copper wire subject to inspection by sheriffs and state law enforcement officers, and to provide a penalty for the violation thereof.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 1319

The Senate proceeded to further consideration of the Motion in

Writing, made by Mr. Carr that the Senate reconsider the vote by which the Bill, H. B. 1319, as amended, was passed.

On motion of Mr. Lybrand, the motion to reconsider was laid on the table.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 201. Creating a Joint Interim Committee to study insurance rates and premiums.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolution:

H. J. R. 150. Creating a Joint Interim Committee for the purpose of making an investigation and study relative to amending the probate law of Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 860. To provide that all former Governors of the State of Alabama who shall have been partially or totally disabled while serving in that office shall receive monthly retirement pay out of the general fund in the state treasury.

Also:

S. 698. To make appropriations from the general fund in the State Treasury to the Board of Corrections Fund to be used for Law Enforcement Planning Agency matching funds for the fiscal years ending September 30, 1974 and 1975.

Also:

S. 585. Amending Section 77 of Title 41, Alabama Code, 1940, requiring the execution of bonds by a tax collector, so as to provide a formula for determining the amount of the bond.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 101. Creating an interim committee to study the laws of this state respecting the distribution of all law books, journals, reports and pamphlet acts.

JOHN W. PEMBERTON,
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1273. To amend Section 257, subsection (d) of Section 262, Sections 263, 269, 270, 271, 272, 273, 277, 279, 280, 283, 285, 286, 289, 292, 293, 301, paragraphs (2), (4) and (5) of Section 309, Sections 312 and 324, all being of Chapter 5, Title 26, Code of Alabama 1940, as last amended, Sections 4, 6, 7, and 12 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, Sections 3, 5, 6, and 11 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, and Sections 3, 5, 6, and 11 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, and to repeal Sections 255, 256, 274, 275, 276, all being of Chapter 5, Title 26, Code of Alabama 1940, as last amended, Sections 5 and 8 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, Sections 4 and 7 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, and Sections 4 and 7 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, relating to providing compulsory coverage of subject employers and employees, extending coverage to common carriers but specifying certain persons not to be employees of common carriers, allowing elective coverage of farmers, providing immunity under certain circumstances from suits to co-employees, to workmen's compensation insurance carriers of employers and to persons or companies making certain safety inspections, extending the presumption of dependency to include husbands, increasing the maximum and minimum weekly compensation payable, extending the maximum number of weeks payable for permanent total disability and for death, increasing the amount payable for burial expense, reducing the number of days of disability required before compensation is payable for the waiting period, providing for a penalty for late payments of compensation, increasing medical benefits and extending the period during which such benefits are payable, specifying coverage of physical rehabilitation as a medical benefit, providing for a change of physician under certain circumstances, increasing the basis of calculation whereby an employer may be discharged from the payment of future installments of compensation, providing for additional reports to be filed with the Department of Industrial Relations, authorizing the Director of Industrial Relations to require self-insured employers to post bond or securities and to prescribe other rules and regulations regarding self-insurance, providing for the applicability of and effect of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, providing for penalties for the failure to secure compensation liability and for failure to file reports, permitting the parties to agree as to the intervals at which certain benefits shall be paid, and appropriating \$47,000 for the fiscal year beginning October 1, 1973, and ending September 30, 1974, and \$46,000 for the fiscal year beginning October 1, 1974, and ending September 30, 1975, out of the general fund of the State Treasury to the Department of Industrial Relations for carrying out the purpose of this Act, all relating to the Workmen's Compensation Law, Articles 1, 2, 2A, 2B, 2C, and 3 of Chapter 5 of Title 26 of the Code of Alabama 1940, as last amended, pertaining to compensation of employees by employers for job-related injuries and certain illnesses and diseases.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 1273, to-wit:

AMENDMENT TO H. B. 1273

Amend H. B. 1273 as follows:

In Section 9, strike out the following words and figures:

"nor any employer's workmen's compensation insurance carrier, nor any person or company making any safety inspection for the benefit of the employer or his employees,"

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Owen
Bailes	Foshee	Littleton	Pelham
Baker	Gilmore	McLain	Pierce
Branyon	Givhan	Malone	Register
Carr	Hawkins	Melton	Shelby
Clark	Horne	Noonan	Vacca
Dominick	Jones	O'Bannon	Wilson
Dozier	King		

—29

Nays:

—0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 1273, as amended, to-wit:

AMENDMENT TO H. B. 1273, AS AMENDED

Amend H. B. 1273, as amended, as follows:

In Section 27, strike out the following words and figures:

"nor any employer's workmen's compensation insurance carrier, nor any person or company making any safety inspection for the benefit of the employer or his employees,"

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pelham
Baker	Givhan	Lybrand	Pierce
Carr	Hawkins	McLain	Register
Clark	Horne	Melton	Shelby
Dominick	Jones	Noonan	Vacca
Edington	King	O'Bannon	Wilder
Fine	Lindsey	Owen	Wilson

—27

Nays:

—0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 1273, as amended, to-wit:

AMENDMENT TO H. B. 1273, AS AMENDED

Amend H. B. 1273, as amended, as follows:

In Section 31, strike out the following words and figures:

"nor any employer's workmen's compensation insurance carrier, nor any person or company making any safety inspection for the benefit of the employer or his employee,"

Which was adopted.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Fine	King	Owen	
Baker	Foshee	Lindsey	Pelham	
Branyon	Gilmore	Littleton	Register	
Carr	Givhan	Lybrand	Shelby	
Clark	Harris	McLain	Vacca	
Dominick	Hawkins	Malone	Weaver	
Dozier	Horne	Noonan	Wilson	
Edington	Jones	O'Bannon		—30

Nays: —0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 1273, as amended, to-wit:

AMENDMENT TO H. B. 1273, AS AMENDED

Amend H. B. 1273, as amended, as follows:

In Section 37, strike out the following words and figures:

"nor any employer's workmen's compensation insurance carrier, nor any person or company making any safety inspection for the benefit of the employer or his employee,"

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	O'Bannon	
Baker	Gilmore	Littleton	Owen	
Branyon	Givhan	Lybrand	Pelham	
Carr	Hawkins	McLain	Pierce	
Clark	Horne	Malone	Vacca	
Dozier	Jones	Melton	Wilder	
Edington	King	Noonan	Wilson	
Fine				—28

Nays: —0

The Standing Committee on Finance and Taxation then reported the following amendment to the Bill, H. B. 1273, as amended, to-wit:

AMENDMENT TO H. B. 1273, AS AMENDED

Amend House Bill 1273, as amended, as follows:

In Section 43, strike out the following words and figures:

"nor any employer's workmen's compensation insurance carrier, nor any person or company making any safety inspection for the benefit of the employer or his employee,"

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Dozier	Littleton	Owen
Bailes	Edgington	Lybrand	Pelham
Baker	Fine	McLain	Pierce
Branyon	Givhan	Malone	Shelby
Carr	Hawkins	Melton	Vacca
Clark	Horne	Noonan	Weaver
Cook	King	O'Bannon	Wilson
Dominick	Lindsey		

—29

Nays:

—0

Mr. Weaver then offered the following amendment to the Bill, H. B. 1273, as amended, to-wit:

AMENDMENT TO H. B. 1273, AS AMENDED

Amend said H. B. 1273 by adding paragraph nine (9) under Section 15 (c) and said paragraph shall read as follows:

"9. Payments. In case of an injured employee whether permanent, partial, or however injured, or death of an employee, a circuit judge with competent jurisdiction shall decide how the compensation shall be paid to the injured employee or his estate upon a final settlement or judgment whether by a trial or by agreement. In cases pending in payment at the time this Act becomes law the injured employee or his estate may petition a court of competent jurisdiction and the court may order the employer to pay the amount due the employee or his estate within thirty (30) days from the date of said order if the court determines that monies due the employee or his estate shall be paid in a lump sum. The payments shall not be commuted."

On motion of Mr. Pelham, said amendment was laid on the table.

Yeas 18; Nays 13.

Yeas:

Messrs.:	Gilmore	Littleton	Pelham
Bailes	Harris	Lybrand	Pierce
Branyon	Hawkins	McLain	Register
Carr	Jones	Malone	Wilder
Cook	King	O'Bannon	

—18

Nays:

Messrs.:	Dozier	Lindsey	Vacca
Baker	Fine	Owen	Weaver
Clark	Foshee	Shelby	Wilson
Dominick	Givhan		

—13

Mr. Melton then offered the following amendment to the Bill, H. B. 1273, as amended, to-wit:

AMENDMENT TO H. B. 1273, AS AMENDED

In the title, delete the following Sections 272; 262 of Title 26, Section 36 of Title 26, Section 7 of Act 180, 1951 Regular Session, Section 6, Act 521, 1967 Regular Session, Section 6, Act 668, 1971, Regular Session.

Also strike out beginning on line 24 the following "providing immunity under certain circumstances from suits to co-employees, to work-

men's compensation insurance carriers of employers, and to persons or companies making certain safety inspections".

In Section 4, Subsection (d) of Section 262 of Title 26 delete the following beginning on line seven of said subsection (d) "such insurer being entitled to the employer's rights, immunities and remedies under this chapter".

Delete Section 9 amending Section 272 of Title 26 as it appears on page 4 and renumber the remaining sections.

Delete Section 27 amending Section 36 of Title 26 as it appears on page 29 and renumber the remaining sections.

Delete Section 31 amending Section 7 of Act 180, 1951 Regular Session as it appears on page 32 and renumber the remaining sections.

Delete Section 37 amending Section 6, Act 521, 1967 Regular Session as it appears on page 34 and renumber the remaining sections.

Delete Section 43 amending Section 6, Act 668, 1971 Regular Session as it appears on page 36 and 37 and renumber the remaining sections.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 619. Said Conference Report being in words and figures, as follows:

REPORT OF COMMITTEE OF CONFERENCE ON H. B. 619

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning the Senate's substitute to H. B. 619 have met, considered the bill as substituted and have agreed to the following report:

1. We recommend that the Senate recede from its substitute to the bill.
2. We recommend that the bill as amended as passed by the House be passed by both houses.

Respectfully submitted,

ROBERT D. TIMMONS

CHRISS H. DOSS

F. S. FALKENBURG

Conferees on the part of the House

JOHN H. HAWKINS

DOUG COOK

TOM KING

Conferees on the part of the Senate

AMENDMENT TO SUBSTITUTE FOR H. B. 619

Amend H. 619 by deleting the last two paragraphs immediately preceding Section 4(b), said paragraphs commencing on page seven of said H. 619 and substitute in lieu thereof the following:

"At least sixty days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall pre-

sent to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall consider the cost of each of the said benefits separately and severally. If the actuary concludes that any reduction in benefits is necessary in order to assure the solvency of the fund, then in his report he shall include his recommendations as to what reductions should be made, to the end that the said Board may make such reductions in benefits as may be required to assure the solvency of the said fund. It is expressly provided that no claim for any benefit provided for by this Act shall be an obligation against the city, or the General Retirement and Relief System, it being the intention and purpose of this Act that the only funds out of which the benefits provided for by this Act will be paid shall be the fund of this pension system which said system is established upon the petition of the firemen and policemen belonging to the said system, with the express understanding on their part that the firemen and policemen and the dependents of firemen and policemen claiming benefits hereunder shall look only to the fund hereby created for the payment of benefits provided and with the full understanding upon the part of said firemen and policemen that the benefits provided for hereby will be reduced if reduction thereof is required in order to assure the solvency of the said fund. The said actuarial report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what change or changes he considers necessary. After the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to the members of the House of Representatives and the Senate designated above a similar actuarial report or survey at least once every four years sixty days prior to the convening of a Regular Session of the Legislature of Alabama. The Board of Managers shall have authority to secure other actuarial studies, investigations and reports at such other times as may seem proper to the Board. From the fund of the system the Board of Managers shall pay the cost of securing any such actuarial reports, surveys or investigations."

SUBSTITUTE TO H. B. 619

A BILL TO BE ENTITLED AN ACT

To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959, (Ala. Acts, 1959, p. 1376) as amended by Act No. 991 of the Regular Session of the Legislature of Alabama of 1971, approved September 7, 1971 (Ala. Acts, 1971, p. 1783), and amended by Act No. 1576 of the Regular Session of the Legislature of Alabama of 1971, approved September 17, 1971 (Ala. Acts, 1971, p. 2692), which Act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts 1951, p. 1579) as amended, which 1951 Act established a pension system for officers and employees of each city of the state having a population of 250,000 or more, according to the latest or any subsequent federal census.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of Act No. 556, of the Regular Session of the Legislature of Alabama of 1951, enacted November 19, 1959 (Ala. Acts,

1959, p. 1376), as amended by Act No. 1576 of the Regular Session of the Legislature of Alabama of 1971, enacted September 17, 1971 (Ala. Acts, 1971, p. 2692) is amended so to read as follows:

Section 4. Board of Managers. There shall be a Board of Managers of three members for the administration, management and control of the Supplemental Pension System, including administration, management, control, acquisition and disbursement of the fund. The Board shall consist of the President of the governing body of the city, who shall be Chairman of the Board, and two associate members, designated respectively as "Member No. 1" and "Member No. 2". Member No. 1 shall be appointed by the Personnel Board. Member No. 1 shall be a person who at the time of his appointment is, and for a period of five consecutive years immediately preceding his appointment has been, an officer of, or the occupant of an executive position with, an insurance company issuing annuity policies and policies of disability insurance, the principal place of business of which insurance company is located within the city; provided, however, that if any such person is not available, the Personnel Board in appointing Member No. 1 shall select from the persons available that person who in the opinion of the Personnel Board is best qualified to discharge the duties of a member of the Board of Managers. Member No. 2 shall be elected from employees belonging to the Supplemental Pension System at an election to be held within sixty days from the date on which this Act becomes effective. The employee receiving a plurality of votes at the election shall be elected. At the first election to be held hereunder employees belonging to the System may vote for a fireman or policeman to hold the position to be occupied by Member No. 2 on the Board. In any election subsequent to the first election employees voting in such subsequent election shall not vote for any member of the System belonging to the same department (that is fire department or police department; as the case may be) to which the person last elected Member No. 2 for a full term belonged at the time of his election. The purpose of the next preceding sentence is to rotate Member No. 2 between the fire department and the police department of the city. The governing body of the city shall have the authority to prescribe rules and regulations concerning the notice of and conduct of the election to select Member No. 2. Member No. 1 and Member No. 2 shall hold office for a period of four years, with the first term for both commencing on the date on which the first Member No. 1 and the first Member No. 2 have both been selected.

"If the commencement of the actual operation of the system hereby established is delayed, or deferred, as a consequence of the validity of this Act being called in to question in litigation the four year terms of Member No. 1 and Member No. 2 shall not be deemed to begin until the litigation is terminated."

"The Board shall meet on the second Thursday in each calendar month; provided, however, that the Board shall not be required to meet unless there is pending before the Board some application for a pension, relief or benefit or unless there is pending some other matter requiring consideration by the Board; and provided, further, that the Board by and through a resolution adopted by it may change the regular meetings from Thursday to such other time as may be convenient to the Board. Any two members of the Board, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board provided the Secretary shall be present and record the proceeding of the special meeting as hereinafter provided. The Board shall meet in the office of the Chairman, or such other place as the Board may designate."

"The personnel director shall be secretary of the Board and shall be present at every meeting of the Board, and keep a record of all proceedings of the Board and of all orders and decisions of the Board.

Neither the secretary nor any member of the Board shall receive any salary or compensation for his services as such except Member No. 1, who shall receive ten dollars for each meeting attended, but not more than twenty dollars for meetings attended in any calendar month. Two members of the Board, when assembled in either regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board, and the affirmative vote of two members shall be necessary and sufficient to pass any motion or resolution. The Board is empowered to make rules and regulations not inconsistent with the provisions of the system in relation to its affairs and the system. The Board shall receive, investigate and pass upon all applications for retirement and disability and widow allowances and shall make retirement and disability and widow allowances in accordance with the system to all persons entitled thereto under the system, and its decision upon all matters of fact shall be final and conclusive unless it shall be affirmatively made to appear that its decision is plainly and manifestly wrong. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, shall have sole and exclusive authority to invest its funds, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinafter referred to and in bonds of the United States, the State of Alabama and any municipality of Alabama, and in bonds of corporations organized under Federal laws or under the laws of any State of the United States; provided, however, that no funds shall be invested in bonds, or common or preferred stocks and stocks of private corporations unless such bonds are listed upon exchanges subject to the jurisdiction of the Securities and Exchange Commission, and the aggregate par value of the funds invested in such bonds or common or preferred stocks and stocks of corporations last referred to above shall not exceed fifty (50%) per cent of the par value of all investments of the fund exclusive of loans to members. In addition to methods of removal hereinabove provided for, any member of the Board may be removed by impeachment for corruption or malfeasance or misfeasance in office or for habitual neglect of duty. From the fund of the System created by this Act the Board of Managers shall pay to the fund of the General Retirement and Relief System the amounts hereinafter specified. When any fireman or policeman retires on length of service, as hereinafter provided for in Section 8, the Board of Managers of this System shall pay from the fund of this System the amount specified in the next succeeding sentence during each month between the date on which such fireman or policeman retired and the date on which he would have been entitled to receive a retirement allowance from the General Retirement and Relief System for thirty (30) years service had he not retired, but had continued to serve without interruption as a member of the General Retirement and Relief System until entitled to receive from said last named system a retirement pension based on thirty (30) years service. The amount which the Board of Managers created by this Act shall pay to the fund of the General Retirement and Relief System, during the period specified in the next preceding sentence shall be the sum of the amount which the city would have deducted from the salary of such fireman or policeman and would have paid into the fund of the General Retirement and Relief System had such fireman or policeman continued to be employed by the city during the period specified in the next preceding sentence at the same salary from which the deductions were made by the city at the time he retired under Section 8 of this Act plus the amount which the city during the said last named period would have paid from funds of the city into the funds of the General Retirement and Relief

System to match said salary deductions had the said fireman or policeman continued to work until entitled to retire on a pension based on thirty (30) years service as aforesaid.

At least sixty (60) days prior to the convening of the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to each member of the House of Representatives and of the Senate of the Legislature of Alabama residing in any county or Senatorial District wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall consider the cost of each of the said benefits separately and severally. If the actuary concludes that any reduction in benefits is necessary in order to assure the solvency of the fund, then in his report he shall include his recommendations as to what additional contributions should be made, to the end that the said additional contributions, to be borne by the city, to assure the solvency of the said fund. It being the intention and purpose of this Act that the only funds out of which the benefits provided for by this Act will be paid shall be the fund of this pension system which said system is established upon the petition of the firemen and policemen belonging to the said system, with the express understanding on their part that the firemen and policemen and the dependents of firemen and policemen claiming benefits hereunder shall look only to the fund hereby created for the payment of benefits provided. The said actuarial report or survey shall contain the opinion of the said actuary as to whether he considers any change in the rate of city contributions necessary in order to assure solvency of the fund, and if so, what change or changes in rate of city contributions he considers necessary. After the Regular Session of the Legislature of Alabama of 1961 the Board of Managers shall present to the members of the House of Representatives and the Senator designated above a similar actuarial report or survey at least once every four years sixty (60) days prior to the convening of a Regular Session of the Legislature of Alabama. The Board of Managers shall not employ the same actuary, or firm actuary, to make two consecutive reports or surveys required to be submitted to the members of the House of Representatives and Senator above designated. The Board of Managers shall have authority to secure other actuarial studies, investigations and reports at such other times as may seem proper to the Board.

From the fund of the system the Board of Managers shall pay the cost of securing any such actuarial reports, surveys or investigations.

"(b) As herein used in this Section 4, the following words and terms have the meanings hereby ascribed to them: 'the Board' means the Board of Managers provided for by this Section 4; 'the effective date of subsection (b)' means the date on which this subsection (b) of Section 4 becomes effective; 'this Act' means Act 556, as amended; 'the system' means the pension system established by this Act; 'the 3.50% proviso' means the provisions of a contemplated amendment of this Act which amendment will require the city to pay three and one-half per centum (3.50%), instead of two and 35/100 per cent (2.35%), of the city salary of each fireman and policeman belonging to the supplemental pension system, subject, however, to the following limitations: (1) only that part of a fireman's or policeman's salary subject to deductions under Act 929 shall be counted in determining the amount of the payment the city is to make to said pension system fund; (2) the requirement that the city pay said three and one-half per centum (3.50%) shall apply only to those firemen and policemen who elect to become subject to the requirement; and (3) each fireman or policeman electing to become subject to the said requirement shall pay (by salary deductions) to the supplemental pension system fund a matching amount which shall be equal to the three and one-half per

centum (3.50%) the city pays to the said pension system fund; 'member electing the 3.50% proviso,' means a member electing to become subject to the 3.50% proviso; 'the additional payments to the system' means the additional payments the city and a member subject to the 3.50% proviso make to the system fund on account of his becoming subject to the 3.50% proviso.

"(c) Within sixty days of the effective date of subsection (b), above, of this Section 4, the Board shall employ an actuary to render actuarial opinions on the questions below stated, which questions and opinions shall be based upon the assumption below given.

"The assumption given is that this Act will be amended so as to include the provisions the 3.50% proviso contains."

"The first question on which the Board will secure an actuarial opinion pertains to the widow's allowance for which subsection (d) of Section 8 of this Act, as amended, provides, which the first question calls "the widow's allowance under Section 8'. The first question is the following:

(1) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to increase the amount of the widow's allowance for which Section 8 provides, to what extent would sound actuarial practice and analysis permit such widow's allowance to be increased?

"The second question on which the Board will secure an actuarial opinion pertains to the death benefit for widows and children, for which Section 9 of this Act, as amended, provides, and which the second question calls 'death benefits under Section 9.' The second question is the following:

(2) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to increase the death benefits under Section 9, to what extent would sound actuarial practice and analysis permit such death benefits to be increased?

"The third and fourth questions on which the Board will secure actuarial opinions pertain to the pension subsection (a) of Section 8 of Act 556, as amended, provides for members having at least twenty-five (25) years creditable time to receive from the system, which the third and fourth questions call 'the retirement pension under Act 556.' The third question on which the Board will secure the actuarial opinion is the following:

(3) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to increase the amount of his retirement pension under Act 556, to what extent would sound actuarial practice and analysis permit such pension to be increased? Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to pay him an entirely new benefit (which will be in addition to the benefits provided by Act Numbers 556 and 929) said new benefit to be an additional pension for his life paid out of the fund set up by Act No. 556. The amount of said additional pension to be determined by a percent of his final average salary multiplied by the number of years of his creditable time in excess of twenty-five (25) years. What percent would sound actuarial practice and analysis permit?

(4) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to reduce the amount of creditable time required to entitle him to the retirement pension under Act 556, how much creditable time would sound actuarial practice and analysis require to entitle such member to the said retirement pension?

"The fifth question on which the Board will secure an actuarial opinion pertains to the pension payable to members of the system under Act 929, to which a member of the system becomes entitled under Act 929, upon acquiring thirty (30) years creditable time, or to which, after retiring under Act 556 on at least twenty-five (25) years service, he becomes entitled under Act 929 on the date on which he would have been in the service of the city for thirty (30) years if he had not retired on less than thirty (30) years service under Act 556. The fifth question calls the pension mentioned in the next foregoing sentence 'the pension under Act 929.' The fifth question is the following:

(5) Assuming that the member electing the 3.50% proviso elects to have the additional payments to the system used to supplement the pension under Act 929, to what extent would sound actuarial practice and analysis permit the pension under Act 929 to be increased?

"It is declared to be the Legislative policy that in addition to the five questions above stated the Board is to secure actuarial opinions on any other reasonable questions submitted to the Board by the members of the System as regards the extent to which present benefits of the system can be increased, consistently with sound actuarial practice and analysis in favor of a member electing to become subject to the 3.50% proviso."

"(d) Within four months from the effective date of this subsection (d) of this Section 4 the Board of Managers of the system shall transmit to each member of the House of Representatives representing the County wherein the city is located and to each Senator of the Senatorial District wherein the city is located, a copy of the actuarial opinions which subsection (b) of this Section 4 requires said Board to obtain and any other information which the Board considers material on the question of the increase in present benefits which should be made in favor of a member electing to become subject to the 3.50% proviso."

Section 2. Section 6 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959, (Ala. Acts 1959, p. 1376), is amended so to read as follows:

"Section 6. Retirement and Relief Fund. (a) For the purpose of the deductions from salary provided for in this Section 6 the salary of a fireman or policeman shall be deemed to be the same as his salary is for the purpose of payroll deductions provided for in Section 9 of Act No. 929, as heretofore or hereafter amended.

"(b) At the end of each payroll period subsequent to the effective date of this Act, the city shall deduct from the salary of each fireman or policeman for such payroll period an amount equal to two and 35/100 percentum (2.35%) of his salary for each such payroll period.

"(c) The city shall promptly pay each and every deduction of salary provided for into a Retirement and Relief Account hereinafter referred to as "The Fund." At the same time the city pays into the fund any deduction from the salary of any employee member, the city shall match such deduction by paying into the fund from its general and other appropriate funds an amount equal to the full amount of such deduction. The City Comptroller is specifically charged with the duty of making such deductions from salaries and of making such payments into the fund. The fund shall include all assets of the fund in any form, and the City Comptroller shall be ex-officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect

a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of ten percent (10%) of the total assets of the fund, payable to the Board and conditioned for faithful performance of his duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the Board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board may select a banking institution located within the territorial jurisdiction of the city as subcustodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations or legacies for the fund, and to administer same against the fund, the records of the City Comptroller and custodian made and kept for the purpose of this Act shall be deemed prima facie, to speak the truth.

Section 3. Section 8 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376), as heretofore amended, is further amended so as to read as follows.

"Section 8. Supplemental Retirement Allowance. The words, terms and phrases used in this Section 8 shall have the meaning ascribed to them by Act No. 929, unless it appears from the context that a different meaning is intended. No policeman or fireman shall receive the retirement allowance provided for by this Section prior to September 21, 1964; and no policeman or fireman shall receive the retirement allowance provided for by this Section until Act No. 929 has been amended so as to authorize the Board of Managers of the General Retirement and Relief System provided for by said Act No. 929 to receive from the Board of Managers created by this Act the payments provided for by Section 4 of this Act nor until said Act No. 929 has been amended so as to provide that any fireman or policeman who, regardless of age, has accumulated twenty (20) or more years of creditable time shall be entitled to voluntary retirement from the service and obtain the retirement allowance provided for in Act No. 929, subject, however, to the condition or limitation that payment of the retirement allowance under Act No. 929 shall not commence until the date on which such fireman or policeman would have accumulated thirty (30) years creditable time under Act No. 929 had he continued to remain in the service. After Act No. 929 has been amended as aforesaid, any policeman or fireman granted a voluntary retirement allowance under Act No. 929 on less than thirty (30) years creditable service, the payment of which allowance shall commence when he would have had thirty (30) years creditable time had he not retired, shall receive from the fund of the System created by this Act a monthly retirement allowance each month between the date on which he retires from service and the date on which he would have accumulated thirty (30) years creditable time had he not retired, which monthly retirement allowance shall be in an amount equal to fifty percent (50%) of his final average salary at the time of his retire-

ment, plus one-half of one percentum ($\frac{1}{2}$ of 1%) of his final average salary multiplied by the number of years of his creditable time in excess of twenty (20) years of his creditable time. The payment of the retirement allowance provided for hereby shall cease on the date on which such fireman or policeman would have accumulated thirty (30) years creditable time in the General Retirement Relief System, created by Act No. 929, had he continued to serve from the date of his retirement.

Section 4. Section 9 of Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376) as heretofore amended, is further amended so to read as follows:

"Section 9. Death Benefit for Widows and Children. The words, terms and phrases used in this Section 9 shall have the meaning ascribed to them by Act No. 929, unless it appears from the context that a different meaning is intended. This Section shall not apply to any fireman or policeman unless such fireman or policeman, as the case may be, within the time hereinafter specified, designates the Board of Managers of the Supplemental Pension System to receive the return of contributions made by him to the General Retirement and Relief System, created by Act No. 929. Any fireman or policeman employed by the city on the date this act becomes operative as to the city shall make such designation within sixty days from said date; and any fireman or policeman entering the service of the city subsequent to the date on which this act becomes operative as to the city shall make such designation within thirty days from the date on which he enters the employ of the city as a fireman or policeman. This Section shall not apply as to any such fireman or policeman who after having designated the Board of Managers of the Supplementary Pension System, as aforesaid, changes the designation. This Section shall not be construed to provide any benefit for any widow or child of any deceased fireman or policeman under Act No. 929, whether such benefits be based on death in line of duty or on the fact that prior to the death of the fireman or policeman, as the case may be, he had accumulated sufficient creditable time to entitle him to receive a retirement allowance, it being the intention of this Section to provide benefits for widows and children of firemen and policemen, to the extent herein specified where such widows and children are not entitled to receive any benefits under said Act No. 929.

This Section shall not apply to any fireman or policeman, or to the widow or children of any such fireman or policeman unless such fireman or policeman, as the case may be, has accumulated five (5) or more years of creditable time at the date of his death. All of the provisions of this Section hereinafter set forth shall be subject to all of the conditions and limitations hereinabove set forth in this Section. If any fireman or policeman having five (5) or more years creditable time shall die, his widow, if any, without regard to the time during which the marriage existed, shall be entitled to a monthly allowance of forty percentum (40%) of the final average salary of such deceased member, plus a monthly allowance of Ten Dollars (\$10.00) per month for each child of such widow by such deceased member until such child shall marry, die or reach the age of eighteen (18) years, whichever may first occur. In the event such deceased member leaves no widow surviving or in the event of the death of his widow, the allowance provided hereby for any child of such deceased member shall be payable to the legal guardian or to the person who has legal custody of said child for the use and benefit of said child. The total amount of monthly allowance payable under this Section to the widow and child or children of the deceased member shall in no event exceed fifty percentum (50%) of the final average salary of such deceased member. In the event there is more than one child of such deceased member entitled

to an allowance under this Section, the widow, if any, shall nevertheless receive forty per centum (40%) of the deceased member's salary, as provided hereinabove; and the allowances for the children, so long as there are a widow and more than one child receiving an allowance hereunder, shall be reduced equally so that in no event shall the total allowances paid under this Section exceed fifty per centum (50%) of the final average salary of such deceased member."

Section 5. This Act shall become effective immediately upon its approval by the Governor or upon its otherwise becoming a law.

And said bill:

H. 619. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959, (Ala. Acts, 1959, p. 1376) as amended by Act No. 991 of the Regular Session of the Legislature of Alabama of 1971, approved September 7, 1971 (Ala. Acts, 1971, p. 1783), and amended by Act No. 1576 of the Regular Session of the Legislature of Alabama of 1971, approved September 17, 1971 (Ala. Acts, 1971, p. 2692), which act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts 1951, p. 1579) as amended, which 1951 Act established a pension system for officers and employees of each city of the state having a population of 250,000 or more, according to the latest or any subsequent federal census.

as amended by the report of the Committee on Conference, was again read and passed by a vote of: Yeas 80, Nays 0,

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 619, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Pelham
Bailes	Gilmore	Lybrand	Pierce
Branyon	Givhan	Malone	Shelby
Carr	Hawkins	Melton	Vacca
Cook	Horne	O'Bannon	Wilder
Dominick	Jones	Owen	Wilson
Edington	King		

—25

Nays:

—0

And said Bill, H. B. 619, as thus amended by the Conference Report, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Branyon	Cook	Edington
Bailes	Carr	Dominick	Foshee

Gilmore
Givhan
Hawkins
Horne
Jones

King
Lindsey
Lybrand
Malone
Melton

O'Bannon
Owen
Pelham
Pierce

Shelby
Vacca
Wilder
Wilson

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 620. Said Conference Report being in words and figures, as follows:

REPORT OF COMMITTEE OF CONFERENCE ON H. B. 620

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning the Committee's Substitute for H. B. 620 have met, considered the bill as amended, and have agreed to the following report:

1. We recommend that the Senate and House each recede from adoption of the bill.

2. We recommend that the attached substitute for the bill then be passed by both houses.

Respectfully, submitted,

ROBERT D. TIMMONS

CHRISS H. DOSS

F. S. FALKENBURG

Conferees on the part of the House

JOHN H. HAWKINS

DOUG COOK

TOM KING

Conferees on the part of the Senate

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 620

A BILL

TO BE ENTITLED

AN ACT

To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq) entitled as amended "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and

to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

Be It Enacted by the Legislature of Alabama:

Section 1. That Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.) entitled as amended: "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969 to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located," be and said Act is hereby amended to read as follows:

"ARTICLE I

ESTABLISHMENT OF PLAN

Section 1. Derivation and application. The provisions of this act are derived in part from one or more of Act No. 24 of the extra session of the legislature of 1936-1937, approved January 26, 1937 (Acts of 1936-37, page 20); Act No. 512 of the regular session of the legislature of 1939, approved September 21, 1939 (Acts 1939, page 795); Subdivision 10 of Article 16 of Chapter 4 of Title 62 of the 1940 Code of Alabama (Title 62, page 322); Act No. 334 of the regular session of the legislature of 1945, approved July 6, 1945 (Loc. Acts 1945, page 144); Act No. 237 of the regular session of the legislature of 1947, approved August 4, 1947 (Loc. Acts 1947, page 144); and Act No. 470 of the regular session of the legislature of 1949, approved August 25, 1949; but nothing in the derivation of provisions of this act or in the above statement of derivation shall be construed to render this act other than an act original in form. This act shall apply to cities which have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and shall not apply to any city of a lesser population according to such census.

Section 2. Retrospective Operation. The articles and sections of this act comprise a retirement and relief system for officers and employees of each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, and, subject to the provisos hereinafter in this section contained, said articles and sections comprising such system for such officers and employees of each such city, shall be read, construed and have retrospective operation and effect as though enacted on the 26th day of January, 1937. Consistently, and subject to said provisos, every act, proceeding and transaction heretofore had, done, accomplished or attempted under or under color of any statute described in Section 1 shall be construed and deemed an act had, done, accomplished or attempted under the system, and the validity and effect thereof so measured and governed,

and without limiting the generality of the foregoing, but still subject to said provisos, every contribution, return of contributions, refund, loan, investment, receipt, disbursement, debt, liability, contract, transaction and business to, from, of, with or affecting the pension and relief fund under any statute described in Section 1 or color thereof shall be construed and deemed as a contribution, return of contribution, refund, loan, investment, receipt, disbursement, debt, liability, contract, transaction or business to, from, of, with or affecting the retirement and relief fund under the system. The foregoing provisions of this section shall be subject to the following provisos: (a) Any sentence of the system which contains the phrase "September 19, 1939" shall be read, construed and have operation and effect as though enacted for the first time on September 19, 1939. (b) Any sentence of the system which contains the phrase "July 1, 1945," shall be read, construed and have operation and effect as though enacted for the first time at July 1, 1945. (c). The legal effect of any payment heretofore made by any pension and relief or retirement and relief fund referred to in this act shall be measured by the law as it actually existed at the time of such payment, and any debt or liability, whether for return of contributions or otherwise, discharged by any such payment shall not be revived by anything contained in the system and shall not constitute the basis of any claim under the system against the retirement and relief fund provided for in this act. (d). The rights of any person who shall retire hereafter or who shall have retired heretofore from the service of his municipal employer, either voluntarily or involuntarily, and who shall be or shall have been allowed retirement benefits under the statute or system actually in existence at the time of such retirement shall, during continuance of such retirement, continue to be measured and governed by the terms of the statute or the system so in existence at the time of such retirement, and should such person die during continuance of such retirement the rights of any widow of such person shall be measured and governed by the terms of the statute or of the system in effect at the time of death of such person, and the retirement and relief fund provided as a part of the system shall secure such rights of such person and such widow. (e). Except as otherwise expressly provided in this section or in the system, the rights of any person who may have become separated from the service, and the rights of any privies of such person, shall be measured and governed by the statutes or of the system in effect at the time of such separation.

Section 3. Purpose of the System. The general purpose of the system embraced in the articles and sections of this act is the governmental one of promoting efficiency of employees in the service by partially relieving their minds of harassing fear of the consequences of loss of employment through disability, old age and otherwise and by furnishing trained employees a partial incentive to remain in the service during their years of presumptively increasing efficiency and a partial incentive to voluntarily retire and be replaced during their years of presumptively declining efficiency.

ARTICLE II

DEFINITIONS

Section 1. DEFINITIONS. The following words, terms and phrases, wherever used in this Act, including this section, shall have the meanings respectively ascribed to them in this section, unless the context plainly indicates otherwise or that a more restricted or extended meaning is intended:

"The City." This term shall mean and have reference to each

such city, separately, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

"The Board of Health." The county board of health whose territorial jurisdiction includes the territory of the city.

"The system." The system provided by and comprised within the articles and sections of this Act, and such system shall be the system applicable in and for each such city, individually, as may have a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census.

"Date of establishment." Date of establishment of the system for a city. The date of establishment of the system for each city which has a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this Act shall be deemed September 1, 1937. The date of establishment of the system for each such city as does not have a population of two hundred and fifty thousand or more inhabitants according to the federal census next preceding the passage of this Act, but which may have such a population according to any federal census succeeding the passage of this Act, shall be deemed the date upon which such city first reaches such population according to such succeeding federal census.

"The fund." The retirement and relief fund provided for as a part of the system, and shall include assets in the form of money and in other forms.

"Employer." The City.

"Employee." A person between whom and the city there exists the technical relationship of employer and employee, whether such person be employed through the principal governing body of the city or through a subsidiary body such as a park board.

"Qualified Employee." Any person who on or after the date of establishment is employed by the City as a full time employee in a job other than as

- a) an officer elected by the people;
- b) a common laborer;
- c) a member of the library, museum, park, zoning adjustment boards or similar boards with active duty on an intermittent basis (i.e., not regularly upon successive business days).

"Fire and Police Employee." Any person who, on or after the effective date of this Plan, is employed by the City as a full time fireman or policeman.

"Full Time Employee." A salaried employee who is normally scheduled to work sixteen (16) days per month or more.

"Participant." A qualified employee who participates in the System under Article IV hereof.

"Employee member." A person who is simultaneously a qualified employee and a participant.

"In the service." In the service of the city. A person shall be deemed in the service of the city while the technical relationship of employer and employee subsists between him and the city.

"In the classified service." In the classified service as defined

in any civil service statute or rule now or hereafter applicable to the city, and for the purposes of this Act only shall include full time recorders, regularly assigned to the trial of cases.

"Effective Date." The date of establishment.

"Anniversary Date." The date of establishment and the month and day thereof annually thereafter.

"Fiscal Year." The accounting year of the System which shall run from each September 1 through the August 31 next following.

"Past Service Credit" or "Prior Service Time." The credit given a Participant for employment with the City prior to the Effective Date except for such period of time for which the employee received no pay from the City.

"Future Service Credit" or "Paid Membership Time." The credit given a Participant for employment with the City subsequent to the Effective Date for which he shall have made contributions to the Fund through payroll deductions or direct payments where authorized.

"Basic Monthly Earnings" and "Monthly Salary." Basic monthly compensation exclusive of overtime pay but including longevity pay.

"Final Average Salary." The average of the four (4) consecutive years of highest compensation in the ten (10) years immediately preceding retirement after the effective date of this plan divided by twelve (12) months.

"Total Covered Payroll." The total of the basic annual salaries plus annualized longevity pay, but excluding overtime or other forms of extra compensation, of all Participants in the System at any point in time.

"Payroll Period." A period of time for which a payment of salary is ordinarily made with respect to a qualified employee.

"Board of Managers." The administrative board of the System as provided in ARTICLE III hereof.

"The Board." The Board of Managers as herein provided.

"The City Comptroller." The employee of the City whose duties are those of treasurer or chief financial employee.

"The custodian." The custodian of the fund.

"The Personnel Director." The Personnel Director provided for the city by statute or, if there be no such Personnel Director, the City Clerk, the custodian, or another, as the Board may determine.

"Council" or "City Council." The Governing body of the City.

"Clerk" or "City Clerk." The City Clerk of the City.

"The County." The County in which the City is located and if the City is located in more than one county, then that County in which the major portion of larger part of the City is located.

"Civil Defense Agency." Any public organization, agency, or authority organized or existing pursuant to state law and exercising Civil Defense Functions within the city or within the city and elsewhere in the county.

"Civic Center" or "Civic Center Authority." Any public corporation, authority or agency organized pursuant to State Law for the

purpose of providing, constructing, operating, and maintaining a Civic Center in the County in which the City is located or in the City.

"Retiree." A former Participant who has been granted a retirement allowance or a disability allowance by the Board.

"Credited Service" or "Creditable Time." The credited service or creditable time of a Participant or employee member shall include all his paid membership time and all of his prior service time.

"Mayor." The Mayor or Chief Executive Officer of the City.

"The Personnel Board." The Board of Control of any Civil Service System provided for the City by statute or, if at any time there be no such Board of Control, then the Governing Body of the City.

Widow shall include Widower, spouse shall mean either husband or wife, Policeman shall include Policewoman, and Fireman shall include a female employed in the position of a fireman.

Words written in the "singular" shall include the "plural," words in the "plural" shall include the "singular," words of the masculine gender shall include the feminine gender and words of the feminine gender shall include the masculine gender unless the context shall clearly and absolutely indicate a restrictive meaning.

ARTICLE III

ADMINISTRATION OF PLAN

Section 1. Board of Managers.

The System shall be administered by a Board of Managers consisting of five (5) members as follows:

- (1) The Mayor of the City, who shall serve as Chairman;
- (2) A member appointed by the Personnel Board of the City;
- (3) A Participant in the System who shall be elected by the Participants in the System;
- (4) A member appointed by the Mayor;
- (5) A person who is not a Participant in the System who shall be elected by the Participants in the System.

Section 2. Method of Selection and Term of Appointment of Board Members.

The members of the Board of Managers, other than the Mayor who shall always serve as Chairman, shall be selected and shall serve for the term as hereafter set forth.

(1) The member appointed by the Personnel Board shall be a bona fide resident and qualified voter of the City and shall serve a four (4) year term. Should said appointed member die, resign or otherwise be unable to serve, the vacancy thus created shall be filled by the Personnel Board for the unexpired term.

(2) The first of the two members elected by the Participants in the System shall himself be a Participant in the System and shall be a bona fide resident and qualified voter of the City. In order to assure representation of all Participants in the System, if the person first elected is a member of the Fire Department or Police Department, the Participant elected to fill the next term shall be a Partici-

pant who is not an employee of the Fire Department or Police Department. Similarly, if the first member thus elected should not be an employee of the Fire Department or Police Department, the Participant elected to fill the next term shall be a Participant who is an employee of the Fire Department or Police Department.. Thereafter this member shall alternate between the two groups (i. e., Fire Department or Police Department and other than the Fire Department or Police Department). In the event the Participant thus elected shall die, resign or otherwise be unable to serve, the Participant elected to fill the unexpired term shall be from the same group as was the Participant whose term as a member of the Board of Managers was vacated.

This Participant-member of the Board shall be elected by secret ballot to serve a term of four (4) years commencing on the day the result of the election is declared. The Council shall have the authority to prescribe and to change rules and regulations concerning the election of said Participant-member provided that the rules and regulations as prescribed or changed are not inconsistent with this Act.

(3) The member appointed by the Mayor shall have more than ten (10) years' experience in an executive capacity in insurance, actuarial, investment or banking work, shall be a bona fide resident and qualified voter of the County and shall serve for a four (4) year term.

(4) The second member elected by the Participants in the System shall not be a Participant in this System, shall have more than ten (10) years' experience in an executive capacity in insurance, actuarial, investment or banking work and shall be a bona fide resident and qualified voter of the County.

This non-Participant member of the Board shall be elected by secret ballot to serve a term of four (4) years. The election shall be called by the Council after thirty (30) days' notice. Nominations of persons to fill this position shall be made in writing by Participants in this System and shall be filed with the Council and the City Clerk of the City no less than ten (10) days prior to the date of the election.

In the event of a vacancy occurring during a term of this member of the Board of Managers, a replacement shall be elected by Participants in this System in the same manner as that set forth in this sub-section (4).

Section 3. Meetings of the Board of Managers.

The Board of Managers shall meet on the second Wednesday in each calendar month in the office of the Chairman or such other place as the Board may designate; provided, however, that the Board shall not be required to meet unless there is pending before the Board an application for a pension, relief or benefit or unless there is pending some other matter of consideration by the Board. The Board of Managers by virtue of a resolution adopted by it may change the regular meeting from Wednesday to such other date as may be most convenient to the Board.

Section 4. Special Meetings of the Board of Managers.

Any three Board members, after due notice having been given to all members of the Board, may meet in special meeting and transact any business of the Board; provided, however, the Secretary must be present and record the proceedings of the special meeting as hereinafter provided.

Section 5. Secretary of the Board.

The Personnel Director shall be Secretary of the Board and shall be present at every meeting of the Board and keep a record of all proceedings of the Board and of all orders and decisions of the Board.

Section 6. Quorum.

Three members of the Board, when assembled either in regular or special meeting, shall constitute a quorum for the transaction of any and all business of the Board and the affirmative vote of three members shall be necessary and sufficient to pass any motion or resolution.

Section 7. Compensation of Members of the Board.

The member of the Board of Managers appointed by the Personnel Board, the member of the Board of Managers appointed by the Mayor and the non-participant member of the Board of Managers elected by the Participants in the System shall receive Ten Dollars (\$10) for each meeting attended but in no event shall receive more than Twenty Dollars (\$20) for all meetings attended in any one calendar month. No other member of the Board nor the Secretary shall receive any compensation whatever for so serving.

Section 8. Powers and Duties of the Board.

The Board shall have such powers as are necessary for the proper administration of the System including, but not limited to, the following:

(1) To prescribe procedures to be followed by Participants, and their beneficiaries, in filing applications for benefits and for the furnishing of evidence necessary to establish employees' rights to such benefits;

(2) To make determinations as to the rights of any Participant or their beneficiaries applying for or receiving benefits, and to afford any such individual dissatisfied with any such determination the right of a hearing thereon;

(3) To develop procedures for the establishment of Credited Service of Participants, and, after affording Participants an opportunity to make objection with respect thereto, to establish such service conclusively in advance of retirement;

(4) To retain and pay from the fund for the services of a consultant and actuary;

(5) To receive and pay from the fund for periodic (not more often than once a year) actuarial valuations of the Plan;

(6) To retain and pay for from the fund the services of an investment advisor.

(7) To retain and pay for from the fund the services of an accountant or auditor;

(8) To obtain from the City the Plan consultants and actuaries, if any, and from the Participants such information as shall be necessary for the proper administration of the Plan and pay from the fund any reasonable expense incurred in connection therewith;

(9) To retain and pay for from the fund the services of such additional professional counsel as the Board may deem necessary for the proper management and administration of the System.

Any member of the Board may serve beyond his term until a successor is appointed or elected. Any member of the Board may be removed by impeachment for corruption, malfeasance in office, or for habitual neglect of duty.

Section 9. The Fund and its Investment.

(a) The fund shall include all assets of the fund in any form, and the city comptroller shall be, ex officio, the custodian of the fund. The custodian shall keep a separate account of the fund and of all assets and liabilities thereof and of all receipts and disbursements thereof and of all prior service time and paid membership time of employee members. The custodian shall keep all monies of the fund in a separate bank account. The custodian shall keep in force and effect a bond in a penal amount equal to the total amount of monies and securities in his custody or possession, but in no event in excess of fifty thousand dollars (\$50,000), payable to the Board and conditioned for faithful performance of his duties and for faithful accounting to the Board for all monies, securities and property coming into his custody or possession as such custodian. Such bond shall be executed by a surety company authorized to do business in the State of Alabama, and the premium on such bond, and all necessary expenses of the Board, shall be paid out of the fund upon order of the Board. All bonds and securities acquired for the fund and which are registerable as to principal shall be registered by the custodian in the name of the system promptly upon acquisition and shall remain so registered until sold or otherwise disposed of by authority of the Board. The Board shall select a banking institution located within the territorial jurisdiction of the city as sub-custodian of securities, with authority to collect and remit to the custodian principal and interest of securities entrusted to its custody as the same may mature, and pay it such reasonable fees or compensation for its services as the Board may deem proper, and the Board may, if it sees fit, waive bond of such institution as subcustodian so long as the net worth of the subcustodian exceeds one and one-half times the total par value of the securities entrusted to its custody. Securities in the custody of such subcustodian shall not be counted as in the custody of the custodian for the purpose of computing the amount of the custodian's bond. The Board is authorized to accept and receive gifts, donations, or legacies for the fund, and to administer same as may be directed by the donors. In the adjudication of claims against the fund, the records of the city comptroller and custodian made and kept for the purpose of this act shall be deemed prima facie, to speak the truth.

(b) The Board of Managers shall have the sole and absolute discretion if they deem it advisable to invest, reinvest and have invested and reinvested all funds of the System, real and personal subject to the limitations herein provided. The Board is authorized to borrow money up to the par value of the securities of the fund and to pledge such securities for repayment of the money borrowed. No money of the fund shall be invested, paid out or disbursed except pursuant to order or authorization of the Board. The Board shall be trustee, and have entire management and control of the fund, and shall direct investment of monies of the fund not needed to meet disbursements provided for in this Act in the loans to members hereinabove referred to and in bonds of the United States, Government, or general obligation bonds of the State of Alabama, or general obligation bonds of any municipality or county of the State of Alabama, or in Federal Savings and Loan Associations, or in other corporations having Federal Savings and Loan Association's guarantee, or in bonds or common or preferred stock of corporations organized under Federal laws or the laws of any State of the United States, or may invest in certificates of deposit or bonds issued by banks organized under Federal laws or under laws of the State of Alabama; provided,

however, that not more than ten thousand dollars shall be invested in any one Federal Savings and Loan Association; or in any one corporation having Federal Savings and Loan Association's guarantee; and provided, further, that no funds shall be invested in bonds or common or preferred stock of private corporations unless such bonds or common or preferred stock are listed upon Exchanges subject to the jurisdiction of the Securities and Exchange Commission and the aggregate value of the funds invested in such bonds and stocks of corporations last referred to above shall not exceed fifty per cent (50%) of all the funds available in the system for investments, nor shall the total investment in common or preferred stocks of such corporations exceed twenty-five per cent (25%) of all the funds available in the system for investments.

Section 10. Legislative Reports.

In addition to periodic actuarial valuations of the Fund which the Board may from time to time require, the Board shall, prior to the first day of March of every uneven year, transmit to each member of the Alabama House of Representatives representing the County or any part thereof, and to each member of the Alabama Senate from every Senatorial District within the County or partly within the County an actuarial analysis of the System as of the end of the City's fiscal year immediately preceding said report specifically answering the following questions:

(1) Are the contributions to the Fund sufficient to pay the benefits provided herein? If not, what additional contributions are necessary?

(2) Are the benefits provided herein sufficient in amount to consume the contributions required herein, or are they as large as to render the Fund insolvent; and in the event of the finding of either contingency, what adjustments should be made?

(3) What provision should be made either in contributions by employees or by the City to render the Fund solvent with respect to allowances made for prior service?

In addition to the foregoing, the Board of Managers shall transmit to said Representatives and Senators the following:

(1) A draft of such laws as the Board deems necessary to keep or make the Fund actuarially solvent, and of such laws as the Board believes would improve the Pension System; and

(2) A recital of the reasons for the recommendation of the proposed laws; detailed and specific recommendations as to what benefits should be reduced, or what additional contributions should be made, to the end that the Fund will be solvent, safe and sound for the protection of the employees covered thereby.

Section 11. Appeal of Decisions of the Board.

Any decision of the Board denying a benefit claimed may be subject to review by the Circuit Court, in the manner and subject to the limitations, herein provided. An employee may secure a review of such decision of the Board by mandamus proceedings in the Circuit Court, which he shall institute in said Court by filing therein a petition for mandamus. Said petition may designate the Board as respondent or the members thereof as respondents. Each respondent shall be served with process, unless such respondent or his or its attorney accepts service.

The petition for mandamus shall be barred if it is not filed within ninety (90) days from the date whereon the Board of Managers makes

its final decision on the benefit claimed, provided written notice of such final decision of the Board shall be given by certified or registered mail, postage prepaid, and properly addressed, to the claimant or his attorney within ten (10) days after such final decision of the Board. If timely notice shall not be given as provided in the last preceding sentence, claimant shall not be barred from filing mandamus until the expiration of eighty (80) days from the mailing of notice as above provided; but in no event anything therein to the contrary notwithstanding shall said mandamus be filed after one year from the date of such final decision of the Board; provided further that no such final decision made by the said Board prior to January 1, 1969, shall be subject to review by mandamus or otherwise unless permitted by the law in effect at the time such decision was made and then only in the manner permitted by said law in effect on said date; provided further that any such final decision made by the Board after January 1, 1969, and prior to the effective date of this Act shall be governed by the eighty (80) day clause of the last preceding sentence, but in such case such mandamus proceeding shall not be filed after one year from the effective date of this Act.

In the proceedings in the Circuit Court and any evidence relevant on any issue involved in the review shall be admissible, subject to the ordinary rules of evidence.

If the submission in the mandamus proceedings is solely upon the proceedings before the Board, the decision of the Board upon all matters of fact shall be final and conclusive, unless it affirmatively appears that its decision is plainly and manifestly wrong.

If in the Circuit Court evidence is received, in addition to that considered by the Board, the decision of the Board upon all matters of fact shall, nevertheless, be final and conclusive, except to the extent limited by the next following sentence. If the Circuit Court after hearing all the evidence offered determines that had the decision rendered by the Board been rendered after hearing such evidence that such decision would not have been manifestly wrong, then the Circuit Court shall sustain the decision of the Board, and if the Circuit Court, after considering all the evidence, determines that the decision rendered by the Board would have been manifestly wrong had such decision been rendered after considering all the evidence considered by the Circuit Court, then in that event the Circuit Court shall render the decision which that Court concludes should be rendered on all the evidence considered by that Court. The provision of Section 8 of ARTICLE VI prohibiting a resolution of the Board allowing an extraordinary disability benefit unless such resolution be passed within twelve (12) months after the accident resulting in disability shall not be construed to prohibit the Circuit Court in a mandamus proceeding from rendering a judgment in favor of the claimant for extraordinary benefits even where the Circuit Court shall direct the Board to adopt a resolution in favor of the claimant in compliance with such judgment of the Circuit Court.

Section 12. Repeal and Amendment Reservation.

The Legislature reserves the power to amend, alter or repeal this act, provided, however, that if any person who may be entitled to voluntarily retire and obtain a retirement allowance under this act shall so voluntarily retire before exercise of said reserved power he shall have a contractual lien upon the Fund for each and every amount to which he may be or become entitled in accordance with the terms of the law existing at the time of such voluntary retirement, and provided, further, that if any employee member becomes totally disabled before exercise of said reserved power, he shall have a contractual

lien upon the Fund for each and every amount to which he may be or become entitled in accordance with the terms of the law existing at the time of commencement of such disability.

ARTICLE IV

ELIGIBILITY TO PARTICIPATE

Section 1. General Rule — Classified Service.

Each Qualified Employee of the City who is in the classified service including each Qualified Employee in the classified service of the police and fire departments shall be a Participant in the System, except as provided in Section 2 of this Article.

Section 2. Exception to General Rule — Classified Service.

Anything herein to the contrary notwithstanding, no member of the pension system provided by the following legislation, if such legislation is applicable to the City, shall be a member of the system:

(a) The Policemen's Pension and Relief Plan provided by Act No. 502 of the 1923 Session of the Legislature of Alabama, as amended or codified;

(b) The Firemen's Pension and Relief Plan provided by Act No. 307 of the 1943 Session of the Legislature of Alabama, as amended (General Acts of Alabama of 1943, page 264);

(c) The Limited Policemen's Retirement and Relief System provided by Act No. 470 of the 1955 Regular Session of the Legislature of Alabama, as amended (Acts of Alabama of 1955, page 1067; and

(d) Limited Firemen's Pension and Relief System provided by Act No. 217 of the 1966 Special Session of the Legislature of Alabama, as amended (Acts of Alabama, Special Session 1966, page 280).

Section 3. General Rule — Unclassified Service.

Each Qualified Employee of the City who is in the unclassified service shall be eligible to participate in the System provided he shall elect in writing to so participate within fifteen (15) days of his first becoming a Qualified Employee in the unclassified service.

Section 4. Withdrawal from System — Classified Service.

A Participant in the System who is in the classified service shall continue to be a Participant without the right of withdrawal so long as he shall continue in the classified service. However, should such Participant cease to be in the classified service, but be employed in the unclassified service, he shall have the right to, but shall not be required to, withdraw from the System by filing an election thereof in writing with the City Comptroller. In such event he shall be entitled to a refund of contributions as provided in Section 16 of ARTICLE VI hereof and shall lose all previously established pension credit under the System.

Section 5. Withdrawal from System — Unclassified Service.

A Participant in the System who is in the unclassified service shall have the right to withdraw from the System while remaining in the service by filing a written application for withdrawal with the City Comptroller. In such event, he shall be entitled to a refund from the System of an amount equal to the total of his contributions to the System less any and all benefits received from the System, and said

former Participant shall lose all previously established pension credit under the System and shall thereafter be ineligible to participate in the System while continuing in the unclassified service.

Section 6. Transfer from Unclassified to Classified.

A Participant transferring from the unclassified service to the classified service shall lose the right of withdrawal as provided for Participants in the unclassified service as set forth in Section 5 of this ARTICLE IV and shall continue as a Participant in the System as though his total credited service under the System had been as a classified employee. In the event that a Qualified Employee in the unclassified service who is not a Participant in the System shall transfer to the classified service, he shall not receive any pension credit for service subsequent to the Effective Date and prior to the date he became a Participant by virtue of his transferring to the classified service.

Section 7. Transfer of Member of Policemen's and Firemen's Pension and Relief Plan.

In the event of the transfer of a member of any of the Pension plans referred to in Section 2 of this Article IV to a department of the City other than the Police or Fire Department, he shall become a Participant in the System, his credited service under said predecessor plan shall be counted as credited service under the System, and his contributions to said Plan subsequent to the Effective Date, plus the City's contributions thereto in his behalf, shall be transferred to the fund of the System.

Section 8. Re-Employment.

In the event a Participant should cease to be a Participant hereunder, should elect a return of his contributions as provided in Section 16 of ARTICLE VI hereof and should he thereafter again become a Participant hereunder, he shall have the right to elect to have his previously credited service reinstated. Should he so elect, he shall be liable to the Fund for the amount of the contributions previously refunded to him and the City Comptroller shall deduct said liability from his salary in twenty (20) monthly installments of an approximately equal amount including interest from the date of such refund of contributions at such rate as the Board may from time to time determine. Alternatively, the City Comptroller shall be authorized to set such monthly installments, including interest as herein specified, over such lesser number of months as will provide for monthly installments of no less than Ten Dollars (\$10.00).

ARTICLE V

PARTICIPANTS' AND CITY'S CONTRIBUTIONS

Section 1. Participants' Contributions.

Each Participant shall contribute to the cost of the System, and the City shall deduct from his salary an amount equal to seven percent (7%) of his actual monthly salary and said deductions by the City shall immediately be paid into the Fund. Should the City through error, inadvertence or otherwise, neglect to make proper deduction from the fund from the salary of any employee member for any payroll period the employee member shall be liable to the fund for the amount or amounts that should have been deducted and shall pay said amount to the custodian on demand.

Section 2. City's Contributions.

At the same time the deductions attributable to Participants' contributions are paid into the Fund, the City shall pay into the Fund from its general or otherwise appropriate funds its Current Service Cost and its Past Service Cost to be determined as of the date of the commencement of each fiscal year of City as follows:

a. The actuaries shall determine the Normal Cost of the benefits provided by the System;

b. From the Normal Cost shall be subtracted the value of the Participants' contributions in the previous Fiscal Year;

c. The remainder thus arrived at shall be divided by the total covered payroll of all Participants as of the first day of the Fiscal Year, the resultant percentage shall be called the "Current Service Percentage" and the Current Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's "Current Service Cost" for the Payroll Period;

d. The actuaries shall determine the single sum of unfunded Accrued Liability and shall amortize it from that date over a period of thirty (30) years.

e. The unfunded Accrued Liability as amortized over thirty (30) years shall be divided by total covered payroll of all Participants, the resultant percentage shall be called the "Past Service Percentage" and the Past Service Percentage shall be multiplied by the total covered payroll of all Participants at the end of each Payroll Period to determine the City's "Past Service Cost" for the Payroll Period.

Section 3. Contributions Previously Required.

Anything herein to the contrary notwithstanding, contributions of Participants and the City in effect immediately prior to the adoption of this amendatory Act shall continue to be deducted and paid into the Fund until such time as the percentages provided for in Section 2 of this Article V are determined as there required.

Section 4. New Participants — Credit for Service with County or Other Municipality.

In the event a Qualified Employee becoming a Participant herein on or after September 1, 1969 shall have prior thereto been employed by the County under the provisions of a merit system applicable to the County or any municipality in the County under the provision of the merit system applicable to such municipality, he may receive credit for said prior service by paying to the City Comptroller within sixty (60) days after becoming a Participant an amount to be determined as follows:

a. There shall first be determined the salary paid said Participant each month by the County or such municipality;

b. There shall then be computed the contribution which would have been deducted had such salary been paid by the City, said contribution and deduction being determined in accordance with the provisions of this Act on the date he became a Participant in the System;

c. There shall be determined the total of interest at the rate of four per cent (4%) per annum on the deductions which would have been made from the date they would have been made had such salary

been paid by the City to the date he became a Participant in the System, and

d. The total of the deductions which would have been made plus interest at the rate of four per cent (4%) per annum as both are determined in this Section 4, shall be the amount payable.

Section 5. Retirees of Firemen's and Policemen's Supplemental Pension System.

In the event of the retirement of a Policeman or a Fireman from a Supplemental Pension System, as established by Act No. 556, of the Legislature of Alabama of 1959, with twenty (20) or more but less than thirty (30) years of credited service under said System, this System shall receive from said Supplemental Pension System the monthly payments required to be paid from said System to this System from said policeman's or fireman's retirement date thereunder until the date he would have been entitled to retire under this System with thirty (30) years of credited service had he continued to serve without retiring and without interruption as a Participant in this System. The City shall then match said contributions from its general fund or other appropriate funds making said matching contributions to the Fund within thirty (30) days from the date of receipt of those funds which are to be matched.

Section 6. Refund of Erroneous Contributions.

In the event contributions shall have been deducted from an employee who is not a Participant herein and shall have been paid into the Fund, said deductions shall be refunded to said employee. Similarly, any contributions made to the Fund by the City on behalf of said non-participating employee shall be refunded to the City.

ARTICLE VI

BENEFITS

Section 1. Normal Retirement Benefit.

A Participant, having attained age sixty (60) or older and having completed fifteen (15) or more years of credited service, or having completed thirty (30) or more years of credited service without regard to age, shall be entitled upon his voluntary retirement to a monthly retirement benefit equal to one of the following:

a. Participants On or Before the first day of July Nine Years After Date of Establishment.

With respect to a retiree who first became a Participant on or before the first day of July after nine years after date of establishment forty per cent (40%) of his Final Average Salary, plus one and three thousand three hundred thirty four thousandths percent (1.3334%) of his Final Average Salary multiplied by his years of credited service in excess of fifteen (15) years.

b. Participants after the first day of July Nine Years after Date of Establishment.

With respect to a Retiree who first became a Participant subsequent to the first day of July after nine years after date of establishment, two percent (2%) of his Final Average Salary multiplied by his years of credited service. Subject to the provisions of Section 19 of this ARTICLE VI, the amount of any retirement benefit provided under the provisions of this section which may have com-

menced to accrue in accordance with the provisions of the System shall continue to accrue throughout the life of the Retiree.

Section 2. Maximum Normal Retirement Benefit.

The maximum Normal Retirement Benefit payable under the preceding Section 1 shall be sixty per cent (60%) of Final Average Salary.

Section 3. Participants With Less than Fifteen Years Service.

In the event a Participant with ten (10) or more but fewer than fifteen (15) years of credited service shall be terminated as a Qualified Employee subsequent to January 1, 1967 due to his having attained the age at which termination of his service as a Qualified Employee is mandatory under any law now or hereafter in effect, he shall be entitled to a monthly retirement benefit equal to two percent (2%) of his Final Average Salary multiplied by his years of credited service.

Section 4. Participants With More than Thirty Years of Service.

Anything herein to the contrary notwithstanding, should a Participant retire hereunder with more than thirty (30) years of credited service, he shall be entitled to an additional monthly benefit equal to two percent (2%) of his Final Average Salary multiplied by his years of Credited Service which are in excess of thirty (30) but in no case to exceed seventy percent (70%) of his Final Average Salary.

Section 5. Participants Retiring under the Firemen's and Policemen's Supplemental Pension System.

With respect to Participants who shall belong to and retire under the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama after having accumulated twenty (20) or more years of credited service thereunder but prior to his having accumulated thirty (30) years of credited service hereunder, benefits payable hereunder shall commence on the date on which he would have accumulated thirty (30) years of credited service hereunder had he not retired but rather had continued in his employment with the City, without interruption, as a fireman or policeman. The annual benefit thereupon payable herefrom shall be an amount equal to that which would have been payable under Section 1 of this Article VI had he not retired but rather had continued in his employment with the City, without interruption, as a fireman or policeman, provided, however, that for the purpose of computing said benefits, Final Average Salary shall be computed as of his actual retirement date from the service.

Section 6. Involuntary Retirement.

In the event a Participant shall be involuntarily retired after having completed twenty (20) or more years of credited service, he shall be entitled to a monthly retirement benefit equal to two percent (2%) of his Final Average Salary, multiplied by his years of credited service provided however, that should said Participant be involuntarily retired prior to attaining age sixty (60), his entitlement to said monthly retirement benefit, at his retirement date, shall additionally require that within sixty (60) days of said involuntary retirement the agency governing tenure of service of City employees certify in writing to the Board that such employee has not contributed by his own fault or misconduct to said separation from service. Should such certification not be made within the prescribed time, the monthly retirement benefit thus determined shall commence upon his attainment of age sixty (60). However, should he, prior to attaining age sixty (60) and prior to the

commencement of his benefits, withdraw his own contributions to the System, he shall forfeit his right to said monthly retirement benefits.

Anything herein to the contrary notwithstanding, said monthly retirement benefit shall neither commence nor be payable during any period when such involuntarily retired Participant shall refuse or fail to accept employment by the City at a rate of compensation equal to that he was receiving at the time he was involuntarily retired or separated.

Section 7. Ordinary Disability Allowance.

In the event a Participant shall, after having accrued five (5) or more years of credited service, become totally disabled to perform his customary duties as an employee of the City and not be entitled to an extraordinary disability allowance, he shall in such event be entitled to a monthly ordinary disability allowance equal to two percent (2%) of his Final Average Salary multiplied by his years of credited service at the date of his disability.

Benefits payable hereunder shall commence upon the cessation of said disabled Participant's drawing a salary from the City and shall continue until such time as said Participant is no longer totally disabled to perform his said customary duties or substantially comparable duties.

The maximum ordinary disability allowance payable hereunder shall be two percent (2%) of Final Average Salary not to exceed sixty percent (60%) of Final Average Salary.

Anything herein to the contrary notwithstanding, an ordinary disability allowance shall be computed and paid throughout the continuance of such disability as provided and at the rate prescribed by the law in effect at the time of the commencement of such disability. If any disability beneficiary should become separated from the service and withdraw his contributions his right to continuance of disability benefits shall immediately cease.

Section 8. Extraordinary Disability Allowance.

In the event a Participant shall become totally disabled to perform his customary duties by reason of personal injury received as a result of an accident arising out of and in the course of his employment in the Service and occurring at a definite time and place, then in the event such total disability shall continue until the Participant ceases to draw salary as an employee of the City such disabled Participant shall be entitled to a monthly allowance from the Fund equal to seventy per cent (70%) of his monthly salary at the time of the accident which resulted in such total disability.

Benefits payable hereunder shall commence upon the cessation of said disabled Participant's drawing a salary from the City and shall continue until such time as such Participant is no longer disabled by such injury to perform his customary duties or substantially comparable duties. If, however, such disabled Participant should, during the continuation of such disability, be separated from the service of the City and should said disability cease to exist, the Board may, in its discretion, continue him on the disability rolls until such time as in the judgment of the Board he is able to find suitable employment at a rate of pay equal or in excess of his disability allowance.

Application for an extraordinary disability allowance must be made within twelve months after the accident resulting in such disability and if granted shall be granted within twelve months after the accident resulting in such disability. Applications received thereafter shall not be considered and no extraordinary disability allowance shall be awarded with respect thereto.

Anything herein to the contrary notwithstanding, an extraordinary disability allowance heretofore or hereafter granted shall be computed and paid throughout the continuance of such disability as provided and at the rate prescribed by the law in effect at the time of the commencement of such disability. If any extraordinary disability beneficiary should become separated from the Service and withdraw his contributions his right to continuance of disability benefits shall immediately cease.

Section 9. Determination of Disability.

In order for disability allowances to be awarded under Section 7 or Section 8 of this ARTICLE VI, the Board must first have satisfactory proof thereof by certification of such disability of the Participant applying for disability allowance, said certification being made by a licensed and practicing physician or surgeon. Additionally, the Board shall have the power to require further certifications of such disability by other practicing physicians and surgeons and shall have the power to require such additional proof of total disability as in its judgment it may deem necessary.

During the continuation of disability, the Board may from time to time require further certification of disability by one or more licensed and practicing physician or surgeon selected by the Board and may require such additional proof of the continuation of said disability as it deems appropriate.

With respect to extraordinary disability allowances, hypertension, heart disease or respiratory disease shall not be considered as caused by accident so as to entitle a Participant to an extraordinary disability allowance, nor shall any Participant or any other person claiming under or by reason of relationship to a Participant be entitled to an extraordinary disability allowance as a result of disability caused by hypertension, heart disease or respiratory disease, any other law, general or local, to the contrary notwithstanding. Should a former Participant who has been awarded a Disability Allowance under Section 7 or Section 8 of this ARTICLE VI resume his active duty as an employee of the City, it shall be conclusive evidence of the termination of such total disability for the purpose of the System, and any subsequent cessation of his active duty on account of disability, whether by reason of the same or a different cause, shall be treated as a new disability. However, should a Participant who shall have been awarded an extraordinary disability allowance under Section 8 hereof or is a claimant or prospective claimant therefor resume his active duty as an employee for a period not exceeding a total of one hundred eighty (180) days last ending no later than twelve (12) months following the date of the accident which gave rise to the disability for which he was awarded an extraordinary disability allowance, such resumption of active duty as an employee of the City shall not be deemed to be conclusive evidence of termination of such disability; provided, however, any provision hereof to the contrary notwithstanding, no extraordinary disability allowance shall be allowed unless granted within twelve months after the accident resulting in such disability.

In no event shall disability allowance as provided under Section 7 or Section 8 of this ARTICLE VI be payable with respect to any period of time during which the recipient of such allowances shall be actively employed by the City, shall be due or shall have been paid any salary from or by the City.

Section 10. Survivor's Benefit.

In the event of the death of a Retiree or Participant who, on the date of his death was eligible for voluntary retirement under Section 1 of this ARTICLE VI, there may be payable a monthly Survivor's Bene-

fit equal to forty-five per cent (45%) of the monthly retirement benefit which said Retiree was receiving or was entitled to receive prior to his death or which said Participant would have been entitled to receive had he retired under Section 1 of this ARTICLE VI on the day preceding his death.

Section 11. Eligibility for Survivor's Benefit.

The surviving spouse of the deceased Retiree or Participant described in Section 10 of this ARTICLE VI shall be eligible to receive a Survivor's Benefit if they continued to be legally married on the date of the death of said deceased Retiree or Participant and if said spouse were married to said deceased Retiree or Participant for at least five (5) consecutive years during which said deceased Retiree or Participant was employed in the service of the City. Further, said surviving spouse shall continue to be eligible to receive said monthly Survivor's Benefit until she shall die or remarry, whichever shall first occur.

In the event said deceased Retiree or Participant should not be survived by his spouse or in the event the spouse should fail to qualify hereunder, a Survivor's Benefit shall be payable to the child or children of said deceased Retiree or Participant, provided, however, that no Survivor's Benefit shall be payable to such child if married or if over age eighteen (18).

Section 12. Service Connected Death Benefit.

Should a Participant be killed in the line of his duty, there may be payable to his spouse and child or children a Service Connected Death Benefit which shall be determined as follows:

(a) Spouse Benefit.

The surviving spouse shall receive a monthly benefit equal to forty per cent (40%) of the monthly salary of the deceased Participant and shall additionally receive an amount equal to ten per cent (10%) of said salary for each eligible child of said deceased Participant. However, in no event shall the monthly benefit payable to the spouse hereunder exceed fifty per cent (50%) of the monthly salary of the deceased Participant.

(b) Child or Children Benefit.

Should there be no surviving spouse or should the surviving spouse fail to qualify hereunder, there shall be payable to or for the benefit of such deceased Participant's child or children a monthly benefit equal to forty per cent (40%) of the deceased Participant's monthly salary.

(c) Deceased Participant's Monthly Salary.

For the purpose of this Section 12, the deceased Participant's monthly salary shall mean his Final Average Salary except that with respect to a Participant who should be killed in the line of service prior to having accumulated five (5) years of Credited Service hereunder, it shall mean his monthly salary as of the date of the injury which resulted in his death.

Section 13. Eligibility for Service Connected Death Benefit.

The surviving widow of the deceased Participant described in Section 11 of this Article shall be eligible to receive a Service Connected Death Benefit if they continued to be legally married on the date of the death of said deceased Participant. Further, said surviving spouse shall continue to be eligible to receive said monthly Service Connected Death Benefit until she shall die or remarry, whichever shall first occur.

Service Connected Death Benefits attributable or payable to or on behalf of said deceased Participant's child or children shall only be payable with respect to such child or children who are both unmarried and eighteen (18) years of age or younger except that with respect to an unmarried child or children who shall continue to be a student regularly attending school, benefits shall continue to be payable until they attain age twenty-two (22).

Section 14. Firemen's and Policemen's Supplemental Pension System—Widow's Pension.

In the event a fireman or policeman shall retire under the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama after having accumulated twenty (20) years of credited service thereunder and shall die prior to the date on which he would have accumulated thirty (30) years of credited service under this System had he not retired but rather had he continued in his employment with the City, without interruption, as a fireman or policeman, his widow shall not receive any benefit herefrom. However, should said retired fireman or policeman die subsequent to the date on which he would have accumulated thirty (30) years of credited service hereunder, and should he be survived by a widow to whom he was married for at least five (5) years while an active employee, said widow shall be entitled to receive until such time as she should remarry a monthly widow's pension in an amount equal to forty-five per cent (45%) of the monthly retirement benefit which her husband was receiving or entitled to receive on the date of his death as if such widow was entitled to a benefit under Sections 10 and 11 of this ARTICLE.

Section 15. Death Prior to Retirement—Return of Contributions.

In the event a Participant shall die prior to retirement and without a surviving spouse or children eligible for benefits hereunder, there shall be payable an amount equal to his total contribution to the System, without interest, less an amount equal to one-half ($\frac{1}{2}$) the total of all Disability Retirement benefits paid to said deceased Participant prior to his death.

Section 16. Termination of Employment or Ineligibility—Return of Contributions.

In the event a Participant shall terminate or be terminated from his employment with the City for any reason whatever, in the event a Participant shall cease to be eligible for participation herein or in the event a Participant herein shall cease to be a classified employee and shall elect to terminate his participation in the System, there shall be payable to said former Participant an amount equal to his total contributions to the System, without interest, less an amount equal to one-half ($\frac{1}{2}$) the total of all disability retirement benefits paid to said former Participant; provided, however, that this section shall not require a return of contributions to an involuntary retiree who elects not to withdraw his contributions pursuant to Section 6 of the ARTICLE VI.

Section 17. Payment of Return of Contributions.

A return of contributions, as provided herein, shall be payable to said former Participant, if living, and otherwise to his personal representative who may qualify as such and make demand for payment within sixty days after death of such former Participant or if there be no such qualification and demand to his named beneficiary. In the event said former Participant shall have died and shall have not, while an active Participant in the System, designated a beneficiary in writing, said return of contributions shall be paid in the following order of preference:

- (1) To his Personal Representative if one qualifies and makes demand therefor within sixty days after the death of such Participant;
- (2) To his surviving spouse;
- (3) To his surviving children in equal shares;
- (4) To his surviving parents in equal shares;
- (5) To his surviving brothers and sisters in equal shares.

Section 18. Designation of Severance Beneficiary.

The custodian shall keep a book or record in which any employee member may designate the name of a person to receive return of contributions made by him in the event of his death prior to commencement of accrual of a retirement allowance in his favor. Any such designation may be changed from time to time by the employee member. Each such designation shall be signed and dated by the employee member, and the last signed and dated designation shall prevail over any former designation. The rights of the last designated severance nominee shall be governed by Section 17.

If a fireman or policeman has executed an instrument providing for the Board of Managers of the Supplemental Pension System established by Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, Acts of Alabama of 1959, page 1376, et seq., to receive return of contributions made by him in the event of his death, then the right of the said Board of Managers to receive the return of said contributions shall prevail over the claim of the severance nominee, or spouse, or children, or father, or mother, or sisters or brothers or personal representative of such deceased fireman or policeman.

Section 19. Payment of Benefits During Period of Re-Employment.

Anything herein to the contrary notwithstanding, no retirement benefits of whatever kind or description shall be payable to any former Participant for any period during which said former Participant is employed by the City, is due a salary from the City or has been paid a salary by the City.

Section 20. Determination of Rights to Benefits.

The determination of the rights of a Retiree to benefits or survivors to death or other benefits under this System shall be determined on the basis of the law governing the System which is in effect on the date of retirement of said Retiree or death of said Participant as the case may be and the right of any beneficiaries or contingent payees as herein provided shall be determined on the basis of the law governing this System which is in effect on the date of the death of the Retiree or Participant which gave rise to the rights of said beneficiary or contingent payee.

Section 21. Payment of Benefits to Minor Children.

In the event that benefits become payable hereunder to minor children, payments shall be made to the legal guardian of said minor children or, in the absence of a legal guardian, to the person who has custody of said children, provided, however, that the benefit shall be payable to the use and benefit of said children.

Section 22. Law Applicable to the Measurement of Benefits.

The rights of any person heretofore or hereafter retired shall continue to be measured and governed by the terms of the System in effect at the time of such retirement and should such person die during con-

tinuance of such retirement the right of the spouse, child or children of such deceased retired person and the rights of the spouse, child or children of any other deceased person or Participant shall be measured and governed by the terms of the System in effect at the time of the death of such deceased person or Participant.

ARTICLE VII

PARTICIPANT LOANS

Section 1. Loans to Participants.

The Board shall have the right to lend to any employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of the employee member to the fund immediately after such loan to exceed fifty per cent (50%) of the amount of contributions returnable to him, or those claiming under him, were he to become separated from the service immediately after such loan. Interest on such loan shall be charged at the rate of six per cent per annum. Provided, however, that if an employee member is a fireman or policeman belonging to a Supplemental Pension System established by Act No. 556 of the 1959 Session of the Legislature of Alabama, approved November 19, 1959 (Ala. Acts, 1959, p. 1376) the Board shall have the right to lend such employee member from the fund such an amount of money as will not cause the aggregate of indebtedness of such employee member to the fund immediately after such loan to exceed fifty per cent (50%) of the aggregate amount of contributions returnable to him, or those claiming under him by provision of this Act and provision of said Act No. 556, were he to become separated from the service immediately after such loan.

Section 2. Repayment of Loan.

Any loan made to a Participant from the Fund pursuant to Section 1 of this ARTICLE VII shall be repayable in either monthly, quarterly, semi-annual or annual installments over a period not to exceed twenty-four (24) months from the date of issuance of such loan as the Board in its discretion may require and at an interest rate of six per cent (6%) per annum.

Section 3. Life Insurance.

Should a Participant obtaining a loan hereunder request the Board to secure a policy of insurance on his life providing for the insurance company to repay the unpaid balance of said loan in the event of his death, the Board shall secure and make available such insurance, if obtainable, at the Participant's expense. In no event shall the amount of life insurance thus obtainable exceed the unpaid balance of the loan attributable to the Participant applying therefor.

ARTICLE VIII

MISCELLANEOUS

Section 1. Liabilities of Employee Members to Fund.

Any debt or liability of a Participant to the Fund or to the City shall be offset against, and deducted from, any amount due from the Fund to the employee member or those claiming under him either as return of contributions or as disability or retirement payments, and only the balance, if any, shall be payable by the Fund.

Section 2. False Representations.

It shall be a misdemeanor, and punishable as such, for any Participant or beneficiary to knowingly make any false representation to the

Board or to the Secretary of the Board or to the City Comptroller or the custodian or to any investigator or agent of the Board with respect to any matter pertaining to the administration of the System.

Section 3. Exemptions.

Neither all nor any portion of the Fund, whether in cash, securities or otherwise, nor any income or yield thereof, shall be subject to, or exacted on account of, any tax. No retirement or disability allowance nor any amount payable thereunder shall be subject to assignment or to any process for the collection of debts, provided this shall not apply to assignments or debts to the Fund or to the City. Except with respect to the return of contributions provided for in Section 16 of ARTICLE VI, no liability of the Fund for return of contributions shall be subject to assignment, and, subject to the provisions of Section 17 of ARTICLE VI in relation to payment to personal representatives, no liability of the Fund for return of contributions shall be subject to any process for the collection of debts.

Section 4. Members in Armed Forces.

If any Participant, either before July 1, 1945, and after October 16, 1940, or after July 1, 1945, and prior to declaration by the Congress or President of the United States of termination of the unlimited national emergency declared by the President in his proclamation of May 27, 1941, shall have left the service for the purpose of entering the armed forces of the United States, after having been in the service for at least one year next before such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service of the City within forty days after his separation from such armed forces, and, in any event, within one year after declaration by the Congress or the President of the United States of termination of the unlimited national emergency declared by said President in said proclamation of May 27, 1941, and shall not have been dishonorably discharged from such armed forces, then, and in all such events, the City shall promptly pay into the Fund an amount double that which the Participant would have contributed to the Fund from his salary had he continued in the service of the City as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the Fund under any provision of the System for return of contributions made by Participants. In order to extend the benefits of this Section to some "Korean Veterans" to whom such benefits would not otherwise extend, the unlimited national emergency declared by the President of the United States in his proclamation of May 27, 1941, shall, for the purposes of this Section, be deemed to have been by the Congress or the said President declared terminated at midnight, January 31, 1955, the time designated by the President in Executive Order No. 10585, dated January 1, 1955, "as the date of termination of combatant activities" in the Korean Zone and also the time fixed by said President in Proclamation No. 3080, dated January 1, 1955, as a terminal time for various purposes in respect of service in the Armed Forces.

In order to extend the benefits of this Section to other veterans to whom such benefits would not otherwise extend, it is hereby provided

that if any Participant shall have left the service prior to April 20, 1954, for the purpose of serving in the armed forces of the United States after having been in the service of the City for at least one year next before leaving, and shall have entered such armed forces promptly after such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of Participant in the service within forty days after his separation from such armed forces, and in any event prior to the 21st day of May, 1956, and shall not have been dishonorably discharged from such armed forces, then and in all such events, the City shall promptly pay into the Fund an amount double that which the employee would have contributed to the Fund from his salary had he continued in the service as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled hereunder for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable by the Fund under any provision of the System for return of contributions made by Participants.

As hereafter used in this Section 4, the term "period of hostilities" means any period subsequent to April 20, 1954, when the United States was, is or shall be engaged in hostilities with any foreign state, whether as a result of a declared war or not. In order to further extend the benefits of this Section to other veterans to whom such benefits would not otherwise extend, it is hereby provided that if any Participant shall have left the service subsequent to April 20, 1954, for the purpose of serving in the armed forces of the United States, during a period of hostilities, after having been in the service for at least one year next before such leaving and shall have entered such armed forces promptly after such leaving, and shall have left in the Fund all contributions made by him prior to such leaving, and shall have resumed a position of qualified employee in the service within forty (40) days after his separation from such armed forces, and shall not have been dishonorably discharged from such armed forces, then in all such events the City shall promptly pay into the Fund an amount double that which the employee would have contributed to the Fund from his salary had he continued in the service as a Participant throughout the period between the time of so leaving the service and the time of resumption of position in the service at the same rate of pay he was receiving at the time he so left the service, and, upon such payment into the Fund, the Participant shall be entitled to count as credited service the entire aforesaid period, provided, however, that if such Participant becomes disabled to perform his customary duties at any time within two years after such resumption of position, the amount of any benefits to which he might otherwise be entitled under Section 7 of ARTICLE VI for any period shall be reduced by any amount paid or payable to him by the federal government for the same period, and provided further that no part of such payment by the City shall be returnable to the Fund under any provision of the System for return of contributions made by Participants.

Anything to the contrary contained in this Section notwithstanding, no Participant who has entered the Armed Forces of the United States subsequent to April 20, 1954, and who otherwise qualifies for the benefits provided herein, shall be entitled to receive such benefits upon return to service unless he shall return to such service within five (5) years after having left such service to enter said Armed Forces.

ARTICLE IX
CONSTRUCTIVE SUBSIDIARIES OF THE
CITY

Section 1. Participants in the System.

It being recognized that it is desirable to allow as participants in the System employees of certain departments and authorities, the employees of the following such employers shall be included as constructive employees of the City and as participants in the System under the terms and conditions set forth herein subject only to any qualifications or limitations hereinafter provided.

Section 2. Board of Health.

Employees of the Board of Health shall be deemed constructively employees of the City during all their time in the service of said Board of Health, whether past, present or future, and the retrospective and prospective terms of the System shall be retrospectively and prospectively applied to such constructive employees as fully and restrictively, and with like effect as though said Board of Health were actually such subsidiary board or department at all times past, present and future, and as though employees thereof were actually employees of the City at all times while in the service of said Board of Health, past, present or future. For the purposes of application of the terms of the System, such constructive employees of the City shall be deemed as in the classified service of the City during such period or periods, whether past, present or future, as they may be or may have been subject to the same civil service system as that to which employees of the City may be or may have been contemporaneously subject, and shall be governed accordingly by the retrospective and prospective provisions of the System. However, any such constructive employee who may or may have become an employee member after the Effective Date by virtue of Section 1, Article IV hereof shall be entitled to count as creditable time his prior service time as well as his paid membership time. In case of existence in the same county of two cities having a population of two hundred and fifty thousand or more inhabitants that one which first entered such population class shall be deemed the City referred to in this and the next succeeding four sections.

Section 3. Civic Center.

For the purpose of the application of the System to the extent herein provided, and for that purpose only, and except as may be otherwise or differently provided herein, the employment by Civic Center of employee members shall be deemed constructively employment by the City during all of their time in the service of Civic Center after the adoption of this Section 3, with like effect as though said employee members, while working for Civic Center, were actually working as employees of the City, subject to this pension system; provided, however, that this Section shall not apply unless all of the conditions hereinafter specified are met.

This Section 3 shall not apply to any employee member unless within thirty (30) days after he leaves the service of the City he is employed by Civic Center on a salary payable at regular specified intervals; any person employed by Civic Center on a part time basis before he leaves, or when he leaves, the service of the City shall be within the scope of the next foregoing sentence, if he continues in the employ of Civic Center.

This Section 3 shall not apply unless the employee member leaves in the System Fund the contributions made by him to the Fund.

This Section shall not apply unless, within the time below stated, Civic Center gives written notice to the Board of Managers that Civic Center elects for this said Section 3 of Article IX of this Act to apply to the employment of said employee member by Civic Center. This Section shall not apply unless the Board of Managers receives such notice within forty-five (45) days of the employee member's leaving the service of the City; provided, however, that the said Board may in its discretion accept and treat as binding such notice received after that time, if the Board finds that delay in forwarding the notice was justified.

After giving any such notice, it shall be the duty of Civic Center to make or cause to be made and paid into the pension fund deductions from the salary of its employee who is the subject to such notice, and to do so in all respects as is provided by the System for the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of Civic Center to make matching contributions to the Fund from its own funds in respect to any employee who is the subject of any such notice, in all respects as it is made the duty of the city to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of Civic Center to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System.

After the Board of Managers receives the said certificate from Civic Center, the election made by Civic Center for this Section to apply to the employee member named in the certificate shall be irrevocable.

Section 4. Civil Defense Agency.

For the purpose of application of the terms of the System, and for such purpose only, and except as may be hereinafter otherwise or differently provided in this and Section 6 of this Article, on and after September 1, 1969, the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of the City shall be deemed constructively a subsidiary board or department of the City during said Civil Defense Agency's subsequent existence, and the employees thereof in the classified service shall be deemed constructively employees of the City during all their time in the service of said Civil Defense Agency subsequent to September 1, 1969, and thereafter the terms of the System shall be prospectively applied to such constructive employees as fully and restrictively, and with like effect, as though said Civil Defense Agency were actually such subsidiary board or department and as though employees thereof in the classified service were actually employees of the City at all times while in the service of said Civil Defense Agency subsequent to September 1, 1969.

Section 5. Duties of the Board of Health.

After July 1, 1945, it shall be the duty of the Board of Health, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the Fund deductions from the salaries of all of its employees who are employee members, and to do so in all respects as is provided by the System for the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of the Board of Health, as such independent agency, to make matching contributions to the Fund from its own funds in respect of its employees who are employee members, in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the

further duty of the Board of Health, as such independent agency, to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System, and, thereinabout, to make available to them all such records and information pertaining to employees of the Board of Health as they or either of them may request for the purpose of administration of the System.

Section 5. Duties of the Civil Defense Agency.

After September 1, 1969, it shall be the duty of said Civil Defense Agency, as an independent agency and not as a subsidiary board or department of the City, to make or cause to be made and paid into the Fund deductions from the salaries of all its employees who are employee members, and to do so in all respects as is provided by the System for the City to make deductions and pay into the Fund from salaries of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency as such independent agency to make matching contributions to the Fund from its own funds in respect of its employees who are employee members in all respects as it is made the duty of the City to make matching contributions in respect of its employees who are employee members, and it shall be the further duty of said Civil Defense Agency as such independent agency to fully cooperate with the Board of Managers, the City Comptroller and the Custodian in the administration of the System, and, thereinabout, to make available to them all such records and information pertaining to employees of Civil Defense as they or either of them may request for the purpose of administration of the System.

ARTICLE X

SEVERABILITY

Section 1. The provisions of this Act shall be severable. Should any Article, section or provision hereof be held invalid or unenforceable by a Court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining sections or provisions hereof."

Section 2. This Amendatory Act shall become effective on the first day of the calendar month next succeeding the calendar month in which this Act shall be approved by the Governor, or otherwise become a law.

And said bill:

H. 620. To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq.) entitled as amended "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for

certain employees of a Civic Center Authority in any county in which any such city may be located."

as amended by the report of the Committee on Conference, was again read and passed by a vote of: Yeas 71; Nays 0.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B 620, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Owen
Bailes	Fine	Littleton	Pelham
Branyon	Gilmore	McLain	Register
Carr	Givhan	Melton	Vacca
Cook	Hawkins	Noonan	Wilder
Dominick	Horne	O'Bannon	Wilson
Dozier	King		
			—25

Nays:

—0

And said Bill, H. B. 620, as thus amended by the Conference Report, was again read at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Owen
Bailes	Fine	Littleton	Pelham
Branyon	Gilmore	McLain	Register
Carr	Givhan	Melton	Vacca
Cook	Hawkins	Noonan	Wilder
Dominick	Horne	O'Bannon	Wilson
Dozier	King		
			—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1048. Relating to a system of accounting reporting for counties having populations of 600,000 or more according to the most recent federal decennial census; providing for publication of accounting information by all local units of government in such counties; to establish what such information should include; to set a date for the commencement of such reporting system; to provide that reports be made by auditors and examiners as to compliance with such system;

to provide methods for enforcement of such reporting and compliance with such reporting system, and for penalties for lack of compliance.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 235. URGING CONGRESSIONAL ENACTMENT OF LEGISLATION ESTABLISHING THE TUSKEGEE INSTITUTE NATIONAL HISTORICAL PARK.

Also:

H. J. R. 219. OPPOSING THE CLOSING OF THE MILITARY BASE AT FORT MCCLELLAN.

Also:

H. J. R. 200. AUTHORIZING TWO MEMBERS FROM BOTH THE HOUSE AND SENATE COMMITTEE ON INSURANCE TO ATTEND THE ANNUAL MEETING OF THE CONFERENCE OF INSURANCE LEGISLATORS IN ATLANTA.

Also:

H. J. R. 208. URGING CREATION OF ENVIRONMENTAL LAND AND WATER MANAGEMENT COMMITTEE.

Also:

H. J. R. 211. REQUEST TO RESTORE VETERANS DAY TO NOVEMBER 11TH.

Also:

H. J. R. 230. CREATING AN INTERIM COMMITTEE TO STUDY THE PURCHASE SYSTEM FOR THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD.

Also:

H. J. R. 238. DECLARING LEGISLATIVE INTENT ON EDUCATORS' SALARY INCREASE.

Also:

H. J. R. 239. CHANGING THE NAME OF THE ALABAMA HIGH SCHOOL OF THE FINE ARTS.

Also:

H. J. R. 240. CLARIFICATION OF LEGISLATIVE INTENT CONCERNING SALARY INCREASES FOR CERTAIN TEACHERS.

Also:

H. J. R. 251. URGING THE ALABAMA DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES TO INSTITUTE A FORMAL, STATE-WIDE PROGRAM THROUGH ITS ENFORCEMENT OFFICERS OF COOPERATING IN THE FIGHT TO PREVENT CATTLE RUSTLING.

Also:

H. J. R. 265. Memorializing Congress to Preserve the Current Taxation Method of Applying Capital Gains Upon the Disposition of Forestry Products.

Also:

H. J. R. 189. CONTINUING WORK OF FIRE ANT STUDY COMMISSION ESTABLISHED BY HJR 75, ACT NO 264, THIRD SPECIAL SESSION OF THE 1971 LEGISLATURE.

Also:

H. J. R. 184. RECOMMENDING THAT THE LEGISLATURE SEND MRS. RETHA D. WYNOT TO THE 36TH ANNUAL CONVENTION OF THE NATIONAL ORDER OF WOMEN LEGISLATORS TO BE HELD IN SALT LAKE CITY, UTAH AND TO REIMBURSE HER FOR HER ORDINARY AND NECESSARY EXPENSES FOR ATTENDING SAID CONVENTION.

Also:

H. J. R. 191. MEMORALIZING CONGRESS TO SUBMIT TO THE FIFTY STATES A PROPOSED CONSTITUTIONAL AMENDMENT TO REQUIRE THAT ALL FEDERAL JUDGES WHO ARE APPOINTED FOR LIFE MUST BE PERIODICALLY RECONFIRMED BY THE UNITED STATES SENATE.

Also:

H. J. R. 193. TO DESIGNATE U. S. HIGHWAY 90 FROM BATTLESHIP PARKWAY TO MISSISSIPPI LINE AS HISTORIC MOBILE PARKWAY.

Also:

H. J. R. 198. CHANGING THE NAME OF VALLEY CREEK STATE PARK TO PAUL M. GRIST STATE PARK.

Also:

H. J. R. 182. Requiring Certain Duties of the State Personnel Board Respecting the Classification of Positions for Emergency Medical Services and the Establishment of Rates of Pay.

Also:

H. J. R. 174. CHANGING THE NAME OF THE GEORGE C. WALLACE TRADE SCHOOL OF CULLMAN COUNTY.

Also:

H. J. R. 175. Urging the State Examiners of Public Accounts to audit the books, records and accounts of the City of Midfield, Alabama.

Also:

H. J. R. 176. Relative to establishing a State "Live in a Landmark Council" to work with the Alabama Historical Commission.

Also:

H. J. R. 155. To Establish an Interim Education Accountability Study Commission.

Also:

H. J. R. 122. Naming Act No. 335, H. 281, Third Extraordinary Session 1971, the "Hill Youthful Offender Act".

Also:

H. J. R. 75. Providing for the continuation of a joint legislative committee to study the problems of interstate and intrastate highway safety generally.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 201. Creating a joint interim committee to study insurance rates in this state.

Also:

H. J. R. 150. Creating a joint interim committee for the purpose of making an investigation and study relative to amending the probate law of Alabama to conform to the Uniform Probate Code.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

REPORT OF CONFERENCE COMMITTEE

To the Members of the Legislature:

We, your conferees, appointed to reconcile the differences between the two houses on the House amendment to the bill, S. B. 162, beg leave to report as follows:

We suggest that the House recede from its amendment and that the following amendment be concurred in and adopted by both houses of the Legislature:

"Amend Senate 162, Section 1, Section 333, second paragraph by adding the following words and figures at the end of the second paragraph: Said certificate shall be issued within forty-five (45) days following receipt by the department of the application therefor."

SENATOR LARRY C. REGISTER
SENATOR JOHN H. HAWKINS, JR.
SENATOR FRED RAY LYBRAND
(conferees on part of the Senate)

HUGH BOLES
RICK McBRIDE
DAVID B. CARNES
(conferees on part of the House)

CONFERENCE REPORT

On motion of Mr. Hawkins, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 162. To amend Section 333 of Title 52 of the Code of Alabama, Recompiled 1958 and 1969, which provides for the charging of a fee for the issuance of teacher certificates and sets the amount of the fee and for the repeal of Section 350 of Title 52, Code of Alabama, Recompiled 1958 and 1969, providing for the disposition of fees paid by the applicants for teachers certificates.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Edington	King	Pelham
Bailes	Gilmore	Lindsey	Pierce
Baker	Givhan	Lybrand	Register
Branyon	Harris	McLain	Vacca
Carr	Hawkins	Malone	Wilder
Cook	Horne	Owen	Wilson
Dozier			

—24

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1319. To amend further Code of Alabama 1940, Title 51, Section 17, as last amended by the state-wide property tax classification act (Act No. 166, H. 57, 1971 Third Special Session), so as to redefine the term "all property of utilities" and thereby except therefrom the property of railroads, freight lines and equipment companies engaged in the business of leasing railroad equipment, and so as to raise the ratio of assessed value to fair and reasonable market value of property in certain counties and lower such ratio in other counties.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 1273

The Senate proceeded to further consideration of the Bill, H. B. 1273, as amended.

The question was on the amendment offered by Mr. Melton to the Bill H. B. 1273, as amended.

Mr. Pelham moved that said amendment be laid on the table, which motion was lost.

Yeas 12; Nays 20.

Yeas:

Messrs.:	Hawkins	Littleton	Pelham	
Branyon	Jones	Lybrand	Pierce	
Gilmore	King	McLain	Wilder	
Harris				—12

Nays:

Messrs.:	Dominick	Horne	Register	
Bailes	Dozier	Lindsey	Shelby	
Baker	Edington	Melton	Vacca	
Carr	Fine	O'Bannon	Weaver	
Clark	Givhan	Owen	Wilson	
Cook				—20

And said amendment was then adopted by the Senate.

Yeas 17; Nays 13.

Yeas:

Messrs.:	Dozier	Melton	Shelby	
Bailes	Edington	O'Bannon	Vacca	
Baker	Fine	Owen	Weaver	
Carr	Horne	Register	Wilson	
Clark	Lindsey			—17

Nays:

Messrs.:	Harris	Lybrand	Pelham	
Branyon	Hawkins	McLain	Pierce	
Cook	Jones	Noonan	Wilder	
Gilmore	Littleton			—13

Mr. Baker then offered the following amendment to the Bill, H. B. 1273, as amended, to-wit:

AMENDMENT TO H. B. 1273 AS AMENDED:

Amend said H. B. 1273 by adding paragraph nine (9) under Section 15 (c) and said paragraph shall read as follows:

"9. Payments.

In case of an injured employee whether permanent, partial, or however injured, or death of an employee and only in such cases as are presented to the court by petition, the circuit judge with competent jurisdiction may decide how the compensation shall be paid to the injured employee or his estate upon a final settlement or judgement whether by a trial or by agreement. In cases pending in payment at the time this Act becomes law the injured employee or his estate may petition a court of competent jurisdiction and the court may order the employer to pay the amount due the employee or his estate within thirty (30) days from the date of said order if the court determines that monies due the employee or his estate shall be paid in a lump sum. The payments shall not be commuted."

Which was adopted.

Yeas 23; Nays 5.

Yeas:

Messrs.:	Dominick	Horne	Owen
Bailes	Dozier	Lindsey	Register
Baker	Edington	Lybrand	Shelby
Branyon	Gilmore	McLain	Vacca
Clark	Harris	Malone	Weaver
Cook	Hawkins	Melton	Wilson

—23

Nays:

Messrs.:	Noonan	Pelham	Wilder
Carr	O'Bannon		

—5

Mr. Carr then offered the following amendment to the Bill, H. B. 1273, as amended, to-wit:

AMENDMENT TO H. B. 1273, AS AMENDED

In Section 5 strike out the first sentence of Section 289 and insert in lieu thereof the following:

Articles 1 and 2 of this chapter shall not be construed or held to apply to any common carrier doing an interstate business while engaged in interstate commerce, or to domestic servants, farm laborers, or persons whose employment at the time of the injury is casual, and not in the usual course of the trade, business, profession or occupation of the employer, or to any employer, who regularly employs less than four employees in any one business or to any county, city, town, village or school district.

On motion of Mr. Pelham, said amendment was laid on the table.

Yeas 22; Nays 3.

Yeas:

Messrs.:	Fine	Lybrand	Register
Bailes	Givhan	Malone	Vacca
Baker	Harris	Melton	Weaver
Branyon	Hawkins	O'Bannon	Wilder
Clark	Lindsey	Owen	Wilson
Edington	Littleton	Pelham	

—22

Nays:

Messrs.:	Carr	Cook	Dozier
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—3

And said Bill, H. B. 1273, as thus amended, was then read a third time at length and passed.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Pelham
Bailes	Gilmore	Littleton	Pierce
Baker	Givhan	Lybrand	Register
Branyon	Harris	McLain	Shelby
Carr	Hawkins	Malone	Vacca
Clark	Horne	Melton	Weaver
Edington	Jones	O'Bannon	Wilder
Fine	King	Owen	Wilson

—31

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 619. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959, (Ala. Acts, 1959, p. 1376) as amended by Act No. 991 of the Regular Session of the Legislature of Alabama of 1971, approved September 7, 1971 (Ala. Acts, 1971, p. 1783), and amended by Act No. 1576 of the Regular Session of the Legislature of Alabama of 1971, approved September 17, 1971 (Ala. Acts, 1971 p. 2692), which Act established a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief system heretofore or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Ala. Acts 1951, p. 1579) as amended, which 1951 Act established a pension system for officers and employees of each city of the state having a population of 250,000 or more, according to the latest or any subsequent Federal census.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 620. To amend Act No. 929 of the Regular Session of the Legislature of Alabama of 1951, approved September 12, 1951 (General Acts of Alabama 1951, page 1579, et seq) entitled as amended "An act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the Board of Health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system; to make the provisions of such system applicable on and after September 1, 1969, to classified service employees of the Civil Defense Agency whose territorial jurisdiction or responsibilities include the territory of any such city, and to provide membership in the system for certain employees of a Civic Center Authority in any county in which any such city may be located."

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1258. To amend Section 8, Title 26, Chapter 1, Code of Alabama 1940, as last amended, relating to the pay for members of the Board of Appeals of the Department of Industrial Relations.

was taken up.

Mr. Pelham offered the following amendment to the Bill, H. B. 1258, to-wit:

AMENDMENT TO HOUSE BILL 1258

Amend Section 1 of House Bill 1258 as follows:

Where the amount "seventy dollars" appears, change to "fifty dollars" and where the amounts "\$4400" and "\$3,000" appear, change to "\$3100" and "\$2,100" respectively.

On motion of Mr. Pelham, further consideration of the Bill, H. B. 1258, and pending amendment, was postponed temporarily.

The Bill:

H. 1259. To amend Section 198, Subsections C and F of Section 201, Paragraph 3 of Subsection C of Section 204, Section 207, Subsections B and C of Section 214, Subsections C and D of Section 216, Section 239 and Paragraph (1) of Subsection F of Section 240, Title 26, Chapter 4, Code of Alabama 1940, relating to appointment of an Alternate Treasurer, merging of non-profit organizations, financing unemployment benefits by political subdivisions, extending the time limit an employer may file a claim for credit for rehire, increasing the maximum weekly benefit amount, limiting disqualifications for certain separations and increasing the penalty for other separations, non-charging an employer's experience rating record, crediting the employer's experience rating record when a decision allowing benefits is reversed by an appellate authority, providing a fine for an employer failing to file a contribution report, relieving newly subject construction contractors of the requirement to provide surety and permitting the requirement of surety from delinquent construction contractors.

Was read a third at length and passed.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Fine	King	Pelham
Bailes	Foshee	Lindsey	Pierce
Baker	Gilmore	Littleton	Register
Branyon	Givhan	Lybrand	Shelby
Clark	Harris	Malone	Weaver
Cook	Hawkins	Melton	Wilder
Dozier	Horne	O'Bannon	Wilson
Edington	Jones	Owen	

—30

Nays:

—0

FURTHER CONSIDERATION OF H. B. 1258

The Senate proceeded to further consideration of the Bill, H. B. 1258.

The question was on the amendment offered by Mr. Pelham.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 421. To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court, judges of the courts of appeal, and circuit court judges.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Messrs. Casey, Downing and McCorquodale.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On the motion of Mr. Cook, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 421, the title of which is set out in the foregoing Message from the House.

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. O'Bannon, Lybrand and Fine.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1319. To amend further Code of Alabama 1940, Title 51, Section 17, as last amended by the state-wide property tax classification act (Act No. 166, H. 57, 1971 Third Special Session), so as to re-define the term "all property of utilities" and thereby except therefrom the property of railroads, freight lines and equipment companies engaged in the business of leasing railroad equipment, and so as to raise the ratio of assessed value to fair and reasonable market value of property in certain counties and to lower such ratio in other counties.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 856. Proposing an amendment to the Constitution of Alabama relative to a special district ad valorem tax for public school purposes in each school district of Calhoun County except the school district comprising the City of Anniston.

Also:

S. 107. To further amend Act No. 533, Acts of Alabama, 1957 Regular Session, page 750, entitled "An Act to create a Board to be known as the State Board of Registration for Foresters; to provide for the qualification of members of said Board; to provide for the appointment of the members of said Board; to provide for their terms of office; to provide for the organization of said Board; to provide for the powers and duties of said Board; to provide for the registration of Foresters; to provide for the recording of licenses; to provide for the definition of the practice of Forestry; to provide for the revocation of licenses; to provide for fees for the issuance and recording of such licenses; to provide for reciprocity; to create a special fund to be known as the "Professional Foresters Fund," and to regulate expenditures therefrom; to repeal all laws in conflict with this Act; and to make an appropriation," as amended by Act No. 141, Acts of Alabama, 1961 Special Session, page 2082, and by Act No. 1051, Acts of Alabama, 1969 Regular Session, page 1965.

Also:

S. 300. To amend further Sections 1, 2 and 3 of Act No. 47, H. 29, Regular Session 1951, (Acts 1951, p. 259) as last amended, which relates to the provision of educational benefits to certain disabled veterans; to dependents and survivors of disabled veterans; and to dependents and survivors of deceased servicemen or veterans.

Also:

S. 387. To name the allied health building at John C. Calhoun Junior College after Mr. Barrett C. Shelton.

Also:

S. 669. Relating to counties having a population of not less than 57,000 nor more than 61,000; authorizing the county governing body of such counties to provide additional compensation or allowances to certain officers of the circuit courts of such counties.

Also:

S. 747. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for additional expense allowances to the circuit clerk and to the register and an additional clerk hire allowance for the circuit clerk.

Also:

S.852. Repealing Act No. 278, H. 369, Special Session 1966 (Acts 1966, p. 420) which created a deputy district attorney for the Eighth Judicial Circuit.

Also:

S. 858. Governing the pleading, practice and procedure in civil actions in the Tuscaloosa County Court by adopting the Alabama Rules of Civil Procedure to increase the jurisdiction in civil actions in the Tuscaloosa County Court and to provide an expense allowance for the judge of the Tuscaloosa County Court.

Also:

S. 864. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation and expenses of the judge of the county court in such counties.

Also:

S. 867. Relating to the assistant district attorney in all counties having populations of not less than 65,000 nor more than 68,000; increasing the supplement to the salary paid by the state.

Also:

S. 871. Relating to Lee County: To create and establish in Lee County a court with county-wide limited jurisdiction of criminal cases, civil actions formerly at law and of juvenile cases, and court to be known as the District Court of Lee County, Alabama; providing it with officers and employees and prescribing their powers, duties, compensation, their terms of office and the manner of their selection, appointment and election; establishing criminal, civil, juvenile and small claims divisions in said court, and regulating the procedure, process, costs and charges of such divisions; abolishing the Court of Common Pleas of Lee County; providing for the transfer and trial of cases pending in the Court of Common Pleas of Lee County, at the time this Act takes effect, to the District Court of Lee County, Alabama; and repealing conflicting laws.

Also:

S. 882. Amending the title and Section 3 of Act No. 258 of the 1973 Regular Session of the Alabama Legislature, relating to election districts for Morgan County, so as to provide for the changing of election dates in Districts three and four.

Also:

S. 924. Relating to any county having a population of not less than 75,000 nor more than 90,000, according to the most recent federal decennial census; further regulating the expense allowances of the tax assessor and tax collector.

Also:

S. 749. Relating to counties having a population of not less than 57,000 nor more than 61,000 according to the last or any subsequent federal decennial census; to provide for additional expense allowance for the tax collector and tax assessor.

Also:

S. 837. Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census; to provide for clerk hire for the tax assessor and tax collector of such county.

Also:

S. 838. Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal de-

cennial census; to provide an expense allowance for the probate judge of such county.

Also:

S. 839. Applicable to any county having a population of not less than 57,000 nor more than 61,000 according to the last federal decennial census; to provide an expense allowance for the members of the governing body of such county.

Also:

S. 880. To create the office of supernumerary county commissioner in all counties with a population of not less than 11,500 nor more than 12,500 according to the most recent federal decennial census, and to prescribe the qualifications, duties, and salary of such office.

Also:

S. 933. To provide the sheriff's department of Baldwin County with a specific number of employees establishing the rate of compensation for said employees, and providing for training of such.

Also:

S. 944. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Vestavia Hills, Jefferson County, Alabama.

Also:

S. 111. To amend Section 3 of Act 437, H. 713, Acts of Alabama, 1949, page 633, which relates to establishing a sinking fund by municipalities, by amending Section 3 of said act so as to authorize employment of a savings and loan association, organized either under the laws of the State of Alabama or of the United States, to act as Trustee of such sinking fund.

Also:

S. 145. To amend Title 52, Section 351, Code of Alabama, 1940, as amended, to provide that certificated employees of the Alabama Institute for Deaf and Blind, Alabama Industrial School for Boys, Alabama Industrial School for Girls, and Alabama Industrial School at Mt. Meigs shall be defined as teachers and shall be covered under the Alabama Teacher Tenure Law.

Also:

S. 759. To authorize the incorporation in any county in this state having a population of not less than 50,000 nor more than 100,000 according to the most recent federal decennial census of one or more public corporations for hospital purposes, including the acquisition, financing, owning, operating and/or leasing of hospitals, clinics, sanatoria, nursing homes, offices for persons engaged in the diagnosis, treatment or cure of sick or injured persons and buildings to house or service equipment used for the diagnosis or treatment of sick or injured persons or the records of such diagnosis or treatment or research with respect to any of the foregoing, or for dormitories or residences for hospital personnel and students, together with all real property for the location or better utilization of a hospital, medical clinic, buildings, parking areas, garages, storage facilities, outbuildings, machinery, equipment, furniture and fixtures useful or desirable in the operation of any of the aforesaid facilities; to provide the method of effecting the incorporation of such a corporation and electing the members of its board of directors; to provide for the offices

of Chairman and Vice Chairman of the board of directors of such corporation; to specify the powers of such board of directors and the powers of such corporation; to authorize the issuance by such corporation of securities and the mortgage and pledge of its properties and revenues as security therefor; to provide that securities of such corporation shall be negotiable instruments and shall be eligible for investment of trust funds; to exempt from taxation all such securities, the income therefrom, any instrument executed as security therefor, all lease agreements made by such corporation and all revenues derived from such leases, and the income and properties of such corporation; to provide for the dissolution of such corporation; to exempt such corporations from the laws of this State governing usury or limiting interest rates and competitive bidding; and to authorize the county in which such corporation may be organized and any municipality located in such county to transfer and convey to such corporation without consideration therefor hospitals, other public health facilities, any funds and assets, tangible or intangible, relative to the ownership or operation of any hospital, and funds raised or allocated for hospital purposes.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

FURTHER CONSIDERATION OF H. B. 1258

The Senate proceeded to further consideration of the Bill, H. B. 1258.

The question was on the amendment offered by Mr. Pelham.

BILLS ON THIRD READING RESUMED

The Bill:

H. 289. To make an appropriation from funds in the State Treasury to the credit of the General Fund for the purpose of constructing and equipping a building to house a livestock and poultry disease diagnostic laboratory and an agricultural chemistry laboratory at Auburn, Alabama for use by the Department of Agriculture and Industries.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 289, to-wit:

COMMITTEE AMENDMENT TO H. B. NO. 289

Amend House Bill No. 289 by amending Section 3 of said Bill by striking out the figures — "1974" — where these figures appear in Section 3 and insert in lieu thereof the figures — "1973".

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:
Bailes

Baker
Branyon

Cook
Edington

Fine
Foshee

Gilmore	King	Melton	Register	
Givhan	Lindsey	Noonan	Vacca	
Harris	Littleton	Owen	Weaver	
Hawkins	Lybrand	Pelham	Wilder	
Horne	McLain	Pierce	Wilson	
Jones	Malone			—29
<i>Nays:</i>				—0

And said Bill, H. B. 289, as thus amended, was then read a third time at length and passed.

Yeas 32; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Pelham	
Baker	Gilmore	Littleton	Pierce	
Branyon	Givhan	Lybrand	Register	
Clark	Harris	McLain	Shelby	
Cook	Hawkins	Malone	Vacca	
Dominick	Horne	Melton	Weaver	
Dozier	Jones	Noonan	Wilder	
Edington	King	Owen	Wilson	
Fine				—32
<i>Nays:</i>				—0

FURTHER CONSIDERATION OF H. B. 1258

The Senate proceeded to further consideration of the Bill, H. B. 1258.

The question was on the amendment offered by Mr. Pelham.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. B. 2173, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill No. 2173, without the Governor's approval, and with a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 7th DAY OF SEPTEMBER, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House

Bill No. 2173 without my approval and with a suggested Executive Amendment.

This Bill in essence provides for the handling and sale of table wines in Tuscaloosa County by retail wine licensees. I realize that this Bill received a majority vote by the elected House and Senate members from Tuscaloosa County and without any reflection on their judgment or ability to represent Tuscaloosa County, I am of the opinion that this Bill represents such a departure from the long standing exclusive control over the retail sale of wine by the Alabama Alcoholic Beverage Control Board that it should be submitted to the people of Tuscaloosa County for their consideration at the polls.

With the foregoing in mind, it is suggested that the title of said Bill be amended so as to add after the last word in said title the following:

"and to provide for a referendum of the voters of the County on the question of whether the Act will become effective in the County."

It is further suggested that Section 16 be deleted and the following substituted therefor:

"Section 16. The county commission shall call and provide for holding a referendum for the purpose of determining if this Act shall become operative. The referendum shall be held on the same day as the next general, special, or primary election held in the county, and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law for advertising, holding, and canvassing county bond elections.

"The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows: 'Do you favor allowing the retail sale of table wines as provided in Act No. _____ approved _____, 1973?' If a majority of the votes cast in the referendum are 'yes', the sale of table wines, as provided for in this Act, shall be legal in the county and this Act shall become operative therein; if the majority of the votes cast in the election are 'no', this Act shall have no further effect. The Probate Judge of the county shall certify the results to the Secretary of State of Alabama in thirty (30) days after the election returns are canvassed."

It is further suggested that the Bill be amended by adding the following:

"Section 17. This Act shall become effective upon its passage and approval by the Governor or by its otherwise becoming a law."

Respectfully,

GEORGE C. WALLACE
Governor of Alabama

The House refused to make the amendment from His Excellency, the Governor, to the bill, H. 2173, by a vote of 49 to 19.

And said bill:

H. 2173. Relating to all counties having populations of not less than 115,000 nor more than 130,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt or brewed beverages are now sold.

Was again read and passed, the Governor's objection notwithstanding, by a vote of Yeas 57, Nays 21, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, which was laid upon the table, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Shelby, the Senate refused to accept the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 2173, the title of which and said executive amendment are set out in the foregoing Message from the House.

Yeas 23; Nays 6.

Yeas:

Messrs.:	Foshee	Lybrand	Pelham	
Bailes	Hawkins	Malone	Pierce	
Carr	Jones	Melton	Register	
Cook	King	Noonan	Shelby	
Dominick	Lindsey	O'Bannon	Vacca	
Edington	Littleton	Owen	Wilder	—23

Nays:

Messrs.:	Branyon	Fine	Weaver	
Baker	Clark	Givhan		—6

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 2173, was again read at length and passed, the Governor's objections to the contrary notwithstanding.

Yeas 22; Nays 5.

Yeas:

Messrs.:	Edington	Lybrand	Pierce	
Bailes	Hawkins	Malone	Register	
Carr	Jones	Melton	Shelby	
Cook	King	Noonan	Vacca	
Dominick	Lindsey	O'Bannon	Wilder	
Dozier	Littleton	Owen		—22

Nays:

Messrs.:	Branyon	Givhan	Weaver	
Baker	Fine			—5

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1259. To amend Section 198, Subsections C and F of Section 201, Paragraph 3 of Subsection C of Section 204, Section 207, Subsec-

tions B and C of Section 214, Subsections C and D of Section 216, Section 239 and Paragraph (1) of Subsection F of Section 240, Title 26, Chapter 4, Code of Alabama 1940, relating to appointment of an Alternate Treasurer, merging of non-profit organizations, financing unemployment benefits by political subdivisions, extending the time limit an employer may file a claim for credit for rehire, increasing the maximum weekly benefit amount, limiting disqualifications for certain separations and increasing the penalty for other separations, non-charging an employer's experience rating record, crediting the employer's experience rating record when a decision allowing benefits is reversed by an appellate authority, providing a fine for an employer failing to file a contribution report, relieving newly subject construction contractors of the requirement to provide surety and permitting the requirements of surety from delinquent construction contractors.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the Bill, H. 1901, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill No. 1901, without the Governor's approval, and with a suggested Executive Amendment.

Respectfully submitted,
HARRY L. PENNINGTON,
Executive Secretary.

DONE THIS 5TH DAY OF SEPTEMBER, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 1901 without my approval and with a suggested Executive Amendment.

This Bill in essence provides for the handling and sale of table wines in Jefferson County by retail wine licensees. I realize that this Bill received a majority vote by the elected House and Senate members from Jefferson County and without any reflection on their judgment or ability to represent Jefferson County, I am of the opinion that this Bill represents such a departure from the long standing exclusive control over the retail sale of wine by the Alabama Alcoholic Beverage Control Board that it should be submitted to the people of Jefferson County for their consideration at the polls.

With the foregoing in mind, it is suggested that the title of said Bill be amended so as to add after the last word in said title the following:

"and to provide for a referendum of the voters of the County on the question of whether the Act will become effective in the County."

It is further suggested that Section 16 be deleted and the following substituted therefor:

"Section 16. The county commission shall call and provide for holding a referendum for the purpose of determining if this Act shall become operative. The referendum shall be held on the same day as the next general, special, or primary election held in the county, and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law for advertising, holding, and canvassing county bond elections.

"The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows: 'Do you favor allowing the retail sale of table wines as provided in Act No. _____ approved _____, 1973?' If the majority of the votes cast in the referendum are 'yes', the sale of table wines, as provided for in this Act, shall be legal in the county and this Act shall become operative therein; if the majority of the votes cast in the election are 'no', this Act shall have no further effect. The Probate Judge of the county shall certify the results to the Secretary of State of Alabama in thirty (30) days after the election returns are canvassed."

It is further suggested that the Bill be amended by adding the following:

"Section 17. This Act shall become effective upon its passage and approval by the Governor or by its otherwise becoming a law."

Respectfully,

GEORGE C. WALLACE,
Governor of Alabama.

The House has refused to make the amendment from His Excellency, the Governor, to the bill, H. 1901, by a vote of Yeas 39, Nays 15, which was a majority of the whole number elected to the House.

And said bill:

H. 1901. Relating to all counties having populations of not less than 500,000 according to the 1970 or any subsequent Federal decennial census; authorizing the Alabama Alcoholic Beverage Control Board to permit in such counties the handling and sale of "table wines" as therein defined and distinguished from "fortified wines" in manner similar to the procedure by which beer, malt, or brewed beverages are now sold.

Was again read and passed by a vote of Yeas 55, Nays 22, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Cook, the Senate refused to accept the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1901, the title of which and said executive amendment are set out in the foregoing Message from the House.

Yeas 23; Nays 5.

Yeas:

Messrs.:	Edington	Lybrand	Pelham
Bailes	Hawkins	Malone	Pierce
Carr	Jones	Melton	Register
Cook	King	Noonan	Shelby
Dominick	Lindsey	O'Bannon	Vacca
Dozier	Littleton	Owen	Wilder

—23

Nays:

Messrs.:	Branyon	Givhan	Weaver
Baker	Fine		

—5

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1901, was again read at length and passed, the Governor's objections to the contrary notwithstanding.

Yeas 23; Nays 4.

Yeas:

Messrs.:	Edington	Lybrand	Pelham
Bailes	Hawkins	Malone	Pierce
Carr	Jones	Melton	Register
Cook	King	Noonan	Shelby
Dominick	Lindsey	O'Bannon	Vacca
Dozier	Littleton	Owen	Wilder

—23

Nays:

Messrs.:	Fine	Givhan	Weaver
Branyon			

—4

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1463, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a Message from the Governor, returning House Bill No. 1463, without the Governor's approval, and with a suggested Executive Amendment.

Respectfully submitted,

HARRY L. PENNINGTON
Executive Secretary

DONE THIS 28TH DAY OF AUGUST, 1973.

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 1463 without my approval and with a suggested Executive Amendment.

This Bill in essence provides for the handling, purchase and sale of bulk wines in Montgomery County by retail ABC licensees. I realize that this Bill received a majority vote by the elected House and Senate members from Montgomery County and without any reflection on their judgment or ability to represent Montgomery County, I am of the opinion that this Bill represents such a departure from the long standing exclusive control over the sale of wine by the Alabama Alcoholic Beverage Control Board that it should be submitted to the people of Montgomery County for their consideration at the polls.

With the foregoing in mind, it is suggested that the title of said Bill be amended so as to add after the last word in said title the following:

"and to provide for a referendum of the voters of the County on the question of whether the Act will become effective in the County."

It is further suggested that Section 5 be deleted and the following substituted therefor:

"Section 5. The county commission shall call and provide for holding a referendum for the purpose of determining if this Act shall become operative. The referendum shall be held on the same day as the next general, special, or primary election held in the county, and shall be advertised, held, conducted and the results thereof canvassed in the manner provided by law for advertising, holding, and canvassing county elections.

"The question to be voted on shall be stated on the ballots or voting machine tabs substantially as follows: 'Do you favor allowing the retail sale of wines as provided in Act No. _____ approved _____, 1973?' If the majority of the votes cast in the referendum are 'yes', the sale of wines, as provided for in this Act, shall be legal in the county and this Act shall become operative therein; if the majority of the votes cast in the election are 'no', this Act shall have no further effect. The Probate Judge of the county shall certify the results to the Secretary of State of Alabama in thirty (30) days after the election returns are canvassed."

It is further suggested that the Bill be amended by adding the following:

"Section 6. This Act shall become effective upon its passage and approval by the Governor or by its otherwise becoming a law."

Respectfully,

GEORGE C. WALLACE
Governor of Alabama

The House has refused to make the amendment from His Excellency, the Governor, to the bill, H. 1463, by a vote of Yeas 41, Nays 9.

And said bill:

H. 1463. Relating to counties having populations of not less than 150,000 nor more than 180,000; to allow all Alabama Beverage Control Board licensees to sell wines containing not more than fourteen percent alcohol by volume from bulk containers; and prescribing penalties.

Was again read and passed by a vote of Yeas 56, Nays 12, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Pierce, the Senate refused to accept the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1463, the title of which and said executive amendment are set out in the foregoing Message from the House.

Yeas 21; Nays 5.

Yeas:

Messrs.:	Edington	Littleton	Pierce
Bailes	Gilmore	Lybrand	Register
Carr	Hawkins	Malone	Shelby
Cook	Jones	Noonan	Vacca
Dominick	King	Pelham	Wilder
Dozier	Lindsey		

—21

Nays:

Messrs.:	Branyon	Foshee	Givhan
Baker	Fine		

—5

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1463, was again read at length and passed, the Governor's objections to the contrary notwithstanding.

Yeas 24; Nays 5.

Yeas:

Messrs.:	Gilmore	Lybrand	Pelham
Bailes	Hawkins	Malone	Pierce
Carr	Jones	Melton	Register
Cook	King	Noonan	Shelby
Dominick	Lindsey	O'Bannon	Vacca
Dozier	Littleton	Owen	Wilder
Edington			

—24

Nays:

Messrs.:	Branyon	Givhan	Weaver	
Baker	Fine			—5

which was a majority of the whole number elected to the Senate.

FURTHER CONSIDERATION OF H. B. 1258

The Senate proceeded to further consideration of the Bill, H. B. 1258.

The question was on the amendment offered by Mr. Pelham.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 214. To propose an amendment to the Constitution of Alabama with respect to Article VI thereof which creates the Judicial Department of the State and prescribes the powers, duties and functions of all courts and the powers, duties, functions and qualifications of all judicial, prosecuting, and administrative officers; and for the repeal of Article VI of the Constitution of Alabama of 1901 as amended, and amendments 317 and 323 thereof.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. O'Bannon, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 214, the title of which is set out in the foregoing Message from the House, to-wit:

A BILL TO BE ENTITLED AN ACT

To propose an amendment to the Constitution of Alabama with respect to Article VI thereof which creates the Judicial Department of the State and prescribes the powers, duties and functions of all courts and the powers, duties, functions and qualifications of all judicial, prosecuting, and administrative officers; and for the repeal of Article VI of the Constitution of Alabama of 1901 as amended, and amendments 317 and 323 thereof.

Be It Enacted by the Legislature of Alabama:

Section 1. The following amendment to the Constitution of Alabama is proposed and shall become valid as a part of the Constitution when approved and proclaimed as prescribed by law.

CONSTITUTIONAL AMENDMENT

1. Article VI of the Constitution of Alabama of 1901 as amended, and amendments 317 and 323 thereof, are hereby repealed and in lieu thereof the following Article shall be adopted;

ARTICLE VI

THE JUDICIAL DEPARTMENT

6.01. Judicial Power.

(a) Except as otherwise provided by this Constitution, the judicial power of the state shall be vested exclusively in a unified judicial system which shall consist of a supreme court, a court of criminal appeals, a court of civil appeals, a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the district court, a probate court and such municipal courts as may be provided by law.

(b) The legislature may create judicial officers with authority to issue warrants and may vest in administrative agencies established by law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies are created.

6.02. The Supreme Court.

(a) The supreme court shall be the highest court of the state and shall consist of one chief justice and such number of associate justices as may be prescribed by law.

(b) The supreme court shall have original jurisdiction (1) of cases and controversies as provided by this Constitution, (2) to issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, and (3) to answer questions of state law certified by a court of the United States.

(c) The supreme court shall have such appellate jurisdiction as may be provided by law.

6.03. Courts of Appeals.

(a) The court of criminal appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(b) The court of civil appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the supreme court.

(c) The court of criminal appeals and the court of civil appeals shall have no original jurisdiction except the power to issue all writs necessary or appropriate in aid of appellate jurisdiction of the courts of appeals.

(d) The court of criminal appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warrant and mandamus in relation to matters in which said court has appellate jurisdiction. Said court shall have authority to issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdiction inferior to it and in matters over which it has exclusive appellate jurisdiction; to punish for contempts by the infliction of a fine as high as one hundred dollars, and imprisonment not exceeding ten days, one or both, and to exercise such other powers as may be given to said court by law.

6.04. Circuit Court.

(a) The state shall be divided into judicial circuits. For each

circuit, there shall be one circuit court having such divisions and consisting of such number of judges as shall be provided by law.

(b) The circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law. The circuit court may be authorized by law to review decisions of state administrative agencies and decisions of inferior courts. It shall have authority to issue such writs as may be necessary or appropriate to effectuate its powers, and shall have such other powers as may be provided by law.

6.05. District Court.

The district court shall be a court of limited jurisdiction and shall exercise uniform original jurisdiction in such cases, and within such geographical boundaries, as shall be prescribed by law, provided that the district court shall hold court in each county seat and at such other places as prescribed by law. The district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court and shall hold court in each incorporated municipality of a population of 1000 or more where there is no municipal court at places prescribed by law.

6.06. Probate Court.

There shall be a probate court in each county which shall have such jurisdiction as may be provided by law.

6.065. Municipal Courts.

All municipal courts shall have uniform original jurisdiction limited to cases arising under municipal ordinances as prescribed by law. Judges of municipal courts shall be licensed to practice law in the state and have such other qualifications as the legislature may prescribe. A municipal judge may serve as a judge of more than one municipal court. Expenses of municipal courts and compensation of municipal judges shall be paid in a manner prescribed by law notwithstanding the provisions of Section 6.09 of this Article. Municipal judges shall be appointed and vacancies filled by the governing body of the municipality, in accordance with uniform terms, conditions and procedures as may be provided by law, notwithstanding the provisions of Sections 6.13, 6.14 and 6.15 of this Article. The prohibited activities of Section 6.08 (a) and (b) shall not be applicable to a judge of a municipal court.

The governing body of a municipality shall have the right to elect at any time to abolish the municipal court within its limits. If such election is exercised, the jurisdiction of the court abolished shall be transferred to the district court of the district in which the municipality is located. The governing body of a municipality, may, at its election, re-establish a municipal court after appropriate notice.

6.07. Qualifications of Judges.

Judges of the supreme court, courts of appeals, circuit court and district court shall be licensed to practice law in this state and have such other qualifications as the legislature may prescribe. Judges of the probate court shall have such qualifications as may be provided by law.

6.08. Prohibited Activities.

(a) No judge of any court of this state shall, during his continuance in office, engage in the practice of law or receive any remuneration for his judicial service except the salary and allowances authorized by law.

(b) No judge, except a judge of a probate court, shall seek or accept any non-judicial elective office, or hold any other office of public trust, excepting service in the military forces of the state or federal governments.

(c) The supreme court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this Constitution, for the judges of all courts of this state.

6.09. Judicial Compensation.

(a) A state judicial compensation commission is hereby created which shall recommend the salary and expense allowances to be paid from the state treasury for all the judges of this state except for judges of the probate court. The commission shall consist of five members; one shall be appointed by the governor, one by the president of the senate, one by the speaker of the house, and two by the governing body of the Alabama State Bar.

(b) Members of the judicial compensation commission shall serve for terms of four years. Any vacancy on the commission shall be filled in the same manner in which such position was originally filled. The legislature shall appropriate sufficient funds for the expenses of the commission.

(c) No member of the commission shall hold any other public office, or office in any political party, and no member of the commission shall be eligible for appointment to a state judicial office so long as he is a member of the commission and for two years thereafter.

(d) The commission may submit a report to the legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law unless rejected by a joint resolution or altered by act of the legislature at the session to which the report is submitted. The compensation of a judge shall not be diminished during his official term.

6.10. Administration.

The chief justice of the supreme court shall be the administrative head of the judicial system. He shall appoint an administrative director of courts and other needed personnel to assist him with his administrative tasks. The chief justice may assign appellate justices and judges to any appellate court for temporary service and trial judges, supernumerary justices and judges, and retired trial judges and retired appellate judges for temporary service in any court. Adequate and reasonable financing for the entire unified judicial system shall be provided. Adequate and reasonable appropriations shall be made by the legislature for the entire unified judicial system, exclusive of probate courts and municipal courts. The legislature shall receive recommendations for appropriations for the trial courts from the administrative director of courts and for the appellate courts from each such court.

6.11 Power to Make Rules.

The supreme court shall make and promulgate rules governing the administration of all courts and rules governing practice and procedure in all courts; provided, however, that such rules shall not abridge, enlarge or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein; and provided, further, that the right of trial by jury as at common law and declared by Section 11 of the Constitution of Alabama 1901 shall be preserved to the parties inviolate. These rules may be changed by a general act of statewide application.

6.12 Number of Circuits and District Judges.

(a) The supreme court shall establish criteria for determining the number and boundaries of judicial circuits and districts, and the number of judges needed in each circuit and district. If the supreme court finds that a need exists for increasing or decreasing the number of circuit or district judges, or for changing the boundaries of judicial circuits or districts, it shall, at the beginning of any session of the legislature, certify its findings and recommendations to the legislature.

(b) If a bill is introduced at any session of the legislature to increase or decrease the number of circuit or district judges, or to change the boundaries of any judicial circuit or district, the supreme court must, within three weeks, report to the legislature its recommendations on the proposed change. No change shall be made in the number of circuit or district judges, or the boundaries of any judicial circuit or district unless authorized by an act adopted after the recommendation of the supreme court on such proposal has been filed with the legislature.

(c) An act decreasing the number of circuit or district judges shall not effect the right of any judge to hold his office for his full term.

6.13. Election of Judges.

All judges shall be elected by vote of the electors within the territorial jurisdiction of their respective courts.

6.14. Vacancies in Judicial Office.

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor; however, vacancies occurring in any judicial office in Jefferson County shall be filled as now provided by Amendments 83 and 110 to the Constitution of Alabama of 1901. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

6.15. Tenure of Office.

(a) The term of office of each judge of a court of the judicial system of this state shall be six years.

(b) A law reducing the number of judges of the supreme court or of a court of appeals shall be without prejudice to the right of the judges affected to seek retention in office. The reduction shall become effective when a vacancy in the affected court occurs.

6.16. Retirement

The legislature shall provide by law for the retirement of judges, including supernumerary judges, with such conditions, retirement benefits, and pensions for them and their dependents as it may prescribe. No person shall be elected or appointed to a judicial office after reaching the age of seventy years, provided that a judge over the age of seventy may be appointed to the office of supernumerary judge if he is not eligible to receive state judicial retirement benefits.

6.17. Judicial Inquiry Commission.

(a) A judicial inquiry commission is created consisting of seven members. The supreme court shall appoint one appellate justice or

judge and the circuit judges' association shall appoint two judges of the circuit court as members of the commission. The governor shall appoint two persons who are not lawyers and the governing body of the Alabama State Bar shall appoint two members of the State Bar to serve as members of the commission. The commission shall select its own chairman. The terms of the members of the commission shall be four years. A vacancy on the commission shall be filled for a full term in the manner the original appointment was made.

(b) The commission shall be convened permanently with authority to conduct investigations, receive or initiate complaints concerning any judge of a court of the judicial system of this state. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists, (1) to charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform his duties, or (2) to charge that the judge is physically or mentally unable to perform his duties. All proceedings of the commission shall be confidential except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

(c) The supreme court shall adopt rules governing the procedures of the commission.

(d) The commission shall have subpoena power and authority to appoint and direct its staff. Members of the commission who are not judges shall receive per diem compensation and necessary expenses; members who are judges shall receive necessary expenses only. The legislature shall appropriate funds for the operation of the commission.

6.18. Court of the Judiciary.

(a) The court of the judiciary is created consisting of one judge of an appellate court, who shall be selected by the supreme court and shall serve as chief judge of the court of the judiciary, two judges of the circuit court, who shall be selected by the circuit judges' association, and two members of the State Bar, who shall be selected by the circuit judges' association, and two members of the State Bar, the governing body of the Alabama State Bar. The court shall be convened to hear complaints filed by the judicial inquiry commission. The court shall have authority, after notice and public hearing (1) to remove from office, suspend without pay, or censure a judge, or apply such other sanction as may be prescribed by law, for violation of a canon of judicial ethics, misconduct in office, failure to perform his duties, or (2) to suspend with or without pay, or to retire a judge who is physically or mentally unable to perform his duties.

(b) A judge aggrieved by a decision of the court of the judiciary may appeal to the supreme court. The supreme court shall review the record of the proceedings on the law and the facts.

(c) The supreme court shall adopt rules governing the procedures of the court of the judiciary.

(d) The court of the judiciary shall have power to issue subpoenas. The legislature shall provide by law for the expenses of the court.

6.19. Disqualification.

A judge shall be disqualified from acting as a judge, without loss of salary, while there is pending (1) an indictment or an infor-

mation charging him in the United States with a crime punishable as a felony under a state or federal law, or (2) a complaint against him filed by the judicial inquiry commission with the court of the judiciary.

6.20. District Attorneys, Clerks, Court Revenue.

(a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. Such district attorney shall be licensed to practice law in this state and shall, at the time of his election and during his continuance in office, reside in his circuit. His term of office shall be for six years and he shall receive such compensation as provided by law. Vacancies in the office of district attorney and in his staff shall be filled as provided by law.

(b) Clerks of the circuit courts shall be elected by the qualified electors in each county for a term of six years. If the office of register in chancery continues to be provided by law then the clerk of the circuit court may also fill such office in a manner prescribed by law. Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

(c) The revenue from fines, forfeitures and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as shall be provided by law.

6.21. Continuation of Courts, District Attorneys, Clerks.

(a) All courts not herein authorized which are in existence at the time this Article becomes effective shall retain their powers for four years, unless sooner terminated by act of the legislature.

(b) All judges of the supreme court, court of criminal appeals, court of civil appeals and circuit courts shall retain their offices for the remainder of their respective terms.

(c) All justices of the supreme court in office when this Article becomes effective shall be justices of the supreme court. All judges of the court of criminal appeals shall be judges of the court of criminal appeals. All judges of the court of civil appeals shall be judges of the court of civil appeals. All circuit judges in office when this Article becomes effective shall be judges of the circuit courts. All city judges who are in office when this Article becomes effective shall continue to be judges of their respective courts. All present city courts shall continue to function as provided by law for four years.

(d) All judges of any court in this state, excepting the supreme court, court of criminal appeals, court of civil appeals, circuit courts, probate courts, and city courts, whose salaries or compensation are paid by their respective counties, who are qualified under the provisions of this Article, and who are holding office at the time of the approval of this Constitutional Amendment by the legislature and on the date of the establishment of the district court, shall be commissioned judges of the district court. Each such judge, accepting commission as a district judge, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election after he has completed three years in office as a district judge. At such election said judicial office shall be filled for a full term of office beginning at the end of the term for which such judge was commissioned.

(e) In the event a city ceases to have a city or municipal court, all judges of any city court in this state in cities which have more than one such judge at the time of approval of this Constitutional Amendment by the legislature and on the date of the establishment of the district court, if otherwise qualified under the provisions of this Article, shall be commissioned judges of the district court. Each such judge accepting commission as a district judge shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election after he has completed three years in office as a district judge. At such election said judicial office shall be filled for a full term of office beginning at the end of the term for which such judge was commissioned.

(f) All district attorneys of any circuit of this state, who are qualified under the provisions of this Article, and who are holding office at the time of the approval of this Constitutional Amendment by the electors of the state, shall retain their offices for the remainder of their respective terms.

(g) All clerks of the circuit court of this state, who are holding office at the time of the approval of this Constitutional Amendment by the electors of the state, shall retain their offices for the remainder of their respective terms.

(h) Except to the extent inconsistent with the provisions of this Article, all provisions of law and rules of court in force on the effective date of this Article shall continue in effect until superceded in the manner authorized by the Constitution.

Section 2. An election upon the proposed Amendment is to be held on the first Tuesday after the expiration of three months from final adjournment of the current session of the legislature. The election shall be held in accordance with the provisions of Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and Chapter 1, Article 18, Title 17 of the Code of Alabama 1940.

Section 3. Notice of the election and of the proposed Amendment shall be published once a week for four successive weeks next preceding the day appointed for the election in a newspaper in each county of the state. If a newspaper is not published in the county, a copy of the notice shall be posted at the courthouse and in three other places in the county.

AMENDMENT TO SUBSTITUTE FOR SB 214

On page 8 of said substitute bill, delete Article 6.14 in its entirety and insert in lieu thereof the following:

6.14. Vacancies in Judicial Office.

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the Governor; however, vacancies occurring in any judicial office in Jefferson County shall be filled as now provided by Amendments 83 and 110 to the Constitution of Alabama of 1901, and any vacancy occurring in the office of circuit judge in Madison County shall be filled according to the amendment proposed by Act No. 462, H. 1440, Regular Session 1973, relating to filling of vacancies in the office of the judge of the circuit court holding at Madison County, provided such amendment is adopted as provided by law. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after second Tuesday in January following the next general election held after he has completed one year in office. At such election such judicial office shall

be filled for a full term of office beginning at the end of the appointed term.

AMENDMENT TO SUBSTITUTE FOR S. B. 214

Amend Section 6.14 so as to read as follows:

6.14 Vacancies in Judicial Office.

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor; however, vacancies occurring in any judicial office in Jefferson County shall be filled as now provided by Amendments 83 and 110 to the Constitution of Alabama of 1901 and vacancies occurring in Shelby County shall be filled as provided in the Constitution of 1901 or as may be otherwise established by a properly advertised and enacted local law. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

HOUSE AMENDMENT TO SUBSTITUTE FOR S. B. 214

Amend Senate Bill 214, § 6.20, by redesignating the present Section (c) as Section (d), and by inserting the following as Section (c) thereof:

(c) Persons elected to the position of constable to assist the courts of the State as provided by law shall be subject to the same restrictions, rights and limitations as are specified in Section 280 of the Constitution of 1901, and no law shall prohibit the receipt of fees for the performance of official duties of said position while holding any other elected or appointed office.

AMENDMENT TO SUBSTITUTE FOR S. B. 214

Amend Section 6.14 so as to read as follows:

6.14 Vacancies in Judicial Office.

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor; however, vacancies occurring in any judicial office in Birmingham shall be filled as now provided by Amendments 83 and 110 to the Constitution of Alabama of 1901 and vacancies occurring in Tallapoosa County shall be filled as provided in the Constitution of 1901 or as may be otherwise established by a properly advertised and enacted local law. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

AMENDMENT TO SUBSTITUTE FOR S. B. 214

Amend Section 6.14 so as to read as follows:

6.14 Vacancies in Judicial Office.

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor; however, vacancies occurring in any judicial office in Birmingham shall be filled as now provided by Amend-

ments 83 and 110 to the Constitution of Alabama of 1901 and vacancies occurring in Wilcox County shall be filled as provided in the Constitution of 1901 or as may be otherwise established by a properly advertised and enacted local law. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

AMENDMENT TO SUBSTITUTE FOR S. B. 214

Amend Section 6.14 so as to read as follows:

6.14 Vacancies in Judicial Office.

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor; however, vacancies occurring in any judicial office in Birmingham shall be filled as now provided by Amendments 83 and 110 to the Constitution of Alabama of 1901 and vacancies occurring in Conecuh County shall be filled as provided in the Constitution of 1901 or as may be otherwise established by a properly advertised and enacted local law. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

AMENDMENT TO SUBSTITUTE FOR S. B. 214

Amend Section 6.14 so as to read as follows:

6.14 Vacancies in Judicial Office.

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor; however, vacancies occurring in any judicial office in Birmingham shall be filled as now provided by Amendments 83 and 110 to the Constitution of Alabama of 1901 and vacancies occurring in Monroe County shall be filled as provided in the Constitution of 1901 or as may be otherwise established by a properly advertised and enacted local law. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. At such elections such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

AMENDMENT TO SUBSTITUTE FOR S. B. 214

Amend Section 6.14 so as to read as follows:

6.14 Vacancies in Judicial Office

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the governor; however, vacancies occurring in any judicial office in Jefferson County shall be filled as now provided by Amendments 83 and 110 to the Constitution of Alabama of 1901 and vacancies occurring in Shelby, Madison, Wilcox, Monroe, Conecuh, Clarke, Washington, Henry, Etowah, Walker, Tallapoosa, Pickens, Greene, Tuscaloosa, St. Clair County shall be filled as provided in the Constitution of 1901 with amendments now or hereafter adopted, or as may be otherwise

established by a properly advertised and enacted local law. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Edington	Lindsey	Pierce	
Bailes	Fine	Lybrand	Register	
Baker	Gilmore	Malone	Shelby	
Branyon	Givhan	Melton	Vacca	
Clark	Hawkins	Noonan	Wilder	
Cook	Jones	Pelham	Wilson	
Dominick	King			—25
Nay:	Mr. Foshee			—1

FURTHER CONSIDERATION OF H. B. 1258

The Senate proceeded to further consideration of the Bill, H. B. 1258.

The question was on the amendment offered by Mr. Pelham.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 263. To provide for the return of certain leased or rented personalty obtained by fraud.

Also:

S. 448. To regulate further the office of circuit solicitor of the First Judicial Circuit of Alabama: Creating special funds for expenditure by the circuit solicitor in law enforcement and in the conduct of his office.

Also:

S. 393. To amend Title 13, Section 255, Code of Alabama, 1940, as amended, relating to the appointment of deputy district attorneys for the Fifteenth and Twenty-sixth Judicial Circuits of Alabama, and their salaries.

Also:

S. 528. To validate moral obligations, not exceeding five hundred dollars (\$500.00) in amount, paid by the Alabama Industrial School for Negro Children for motor vehicle accidents involving employees during the period October 1, 1966 through September 30, 1968.

JOHN W. PEMBERTON,
Clerk.

FURTHER CONSIDERATION OF H. B. 1258

The Senate proceeded to further consideration of the Bill, H. B. 1258.

The question was on the amendment offered by Mr. Pelham.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 1. To establish a state ethics commission and to provide a state ethics law, which: requires disclosures of certain economic interests and certain family connections to be filed by state officials and certain state employees and by persons having certain business dealings with the state or its agencies or instrumentalities, proscribes certain practices by state officials and employees which conflict with the proper safeguarding of the public trust; requires the registration of persons engaged in activities designed to influence legislation and the making of certain reports by such persons and otherwise regulates such activities of such persons; prescribes penalties; provides for the enforcement of this act; prescribes the powers and duties of the ethics commission; and authorizes the commission to prescribe, promulgate and enforce rules, consonant with this law, to govern activities and disclosures by county and municipal officials needed to safeguard the public trust in such governmental units.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate:

S. 865. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation of the tax assessor and tax collector in all such counties.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Weaver, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 865, the title of which is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO S. B. 865

Amend S. B. 865 by striking the last sentence of Section one, being the sentence added by Senate amendment which reads "The said tax collector and tax assessor shall also receive \$1,500 a year expense allowance to be paid in equal monthly installments out of the General Fund of the county."

Yeas 25; Nays 0.

Yeas:

Messrs.:	Edington	Lindsey	Owen	
Bailes	Foshee	Lybrand	Pelham	
Branyon	Gilmore	Malone	Register	
Carr	Givhan	Melton	Shelby	
Clark	Hawkins	Noonan	Weaver	
Dominick	Jones	O'Bannon	Wilson	
Dozier	King			—25
Nays:				—0

FURTHER CONSIDERATION OF H. B. 1258

The Senate proceeded to further consideration of the Bill, H. B. 1258.

The question was on the amendment offered by Mr. Pelham to the Bill, H. B. 1258.

And said amendment was then adopted by the Senate.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Foshee	King	O'Bannon	
Bailes	Gilmore	Lindsey	Pelham	
Baker	Givhan	Littleton	Pierce	
Branyon	Harris	Lybrand	Register	
Carr	Hawkins	McLain	Vacca	
Dominick	Horne	Melton	Wilder	
Edington	Jones	Noonan	Wilson	
Fine				—28
Nays:				—0

And said Bill, H. B. 1258, as thus amended, was then read a third time at length and passed.

Yeas 34; Nays 0.

Yeas:

Messrs.:	Fine	Lindsey	Pelham	
Bailes	Foshee	Littleton	Pierce	
Baker	Gilmore	Lybrand	Register	
Branyon	Givhan	McLain	Shelby	
Carr	Harris	Malone	Vacca	
Clark	Hawkins	Melton	Weaver	
Cook	Horne	Noonan	Wilder	
Dominick	Jones	O'Bannon	Wilson	
Edington	King	Owen		—34
Nays:				—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 418. To amend the Title and Sections 1, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act, pertaining, respectively, to Legislative Purpose, Powers of the Authority, Bonds and Notes of the Authority, Security for the Bonds, Tolls and Other Charges, Exemp-

tions from Taxation, Projects to be Kept in Good Repair, Regulations and Police Service for Projects, Refunding Bonds and Preliminary Study of Project.

was taken up.

Mr. Dozier offered the following amendment to the Bill, H. B. 418, to-wit:

AMENDMENT TO H. B. 418

Delete the title and insert in lieu thereof the following new title:

To amend the title and Sections 1, 3, 4, 7, 8, 9, 12, 14, 15, 20 and 21 of the Alabama Turnpike Authority Act, pertaining respectively, to legislative purpose, organization of the authority, powers of the authority, bonds and notes of the authority, security for the bonds, tolls and other charges, exemptions from taxation, projects to be kept in good repair, regulations and police service for projects, refunding bonds and preliminary study of project.

Also insert after Section 2 on page 2, the following new Section 3:

Section 3. Section 3 of the "Turnpike Act" is hereby amended to read as follows:

"Section 3. Organization of the authority.—(a) There is hereby authorized to be organized a public corporation to be known as the "Alabama Turnpike Authority" by proceeding as hereinafter outlined in this subsection. The state highway director is authorized to present to the secretary of state an application for the organization of such corporation, which application shall be signed by the state highway director and shall set forth: (1) the name, official designation, and official residence of the applicant, together with a certified copy of the commission affirming his rights to office; (2) the name of the proposed corporation (which shall be the "Alabama Turnpike Authority"); (3) the location of the principal office of the proposed corporation; and (4) any other matters relating to the proposed corporation which the applicant may choose to insert and which shall not be inconsistent with this article or the laws of the state. The application shall be subscribed and sworn to by the applicant before an officer authorized by the laws of the state to administer oaths. The secretary of state shall examine the application and, if he finds it to be in substantial compliance with the provisions of this subsection, he shall receive and file it in an appropriate book of record in his office. The secretary of state shall then make and issue to the applicant a certificate of incorporation, under the great seal of the state, reciting the fact of the incorporation of the authority, and shall record a counterpart of said certificate of incorporation with the application. There shall be no fees paid to the secretary of state for any work in connection with the incorporation of the authority. Upon the issuance of the said certificate of incorporation, the authority shall constitute a body corporate and politic having corporate succession, and shall constitute an instrumentality of the state empowered to exercise public and essential governmental functions. The exercise by the authority of the powers conferred by this article shall be deemed and held to be the exercise of public and essential governmental functions of the state.

"(b) The authority shall consist of nine (9) members who shall be appointed as follows: Three (3) members shall be elected by a majority vote of the Senate; three members shall be elected by a majority vote of the House and three members shall be appointed by the Governor. Each of the above members appointed by the Senate and the House shall serve for a term concurrent with their terms of office in such legislative body, and until their successors are elected and qualified. The members

appointed by the Governor shall serve their terms concurrently with that of the Governor and until their successors are elected and qualified. In the event of a vacancy the number appointed to fill such vacancy shall serve only for the unexpired term. No appointed member shall be a resident of the same congressional district as another appointed member. Members of the authority may be removed from office by impeachment proceedings on the grounds and in the manner prescribed in Section 173 of the Constitution of Alabama. Each member of the authority, before entering upon his duties, shall take and subscribe the oath prescribed by Section 279 of the Constitution of Alabama. Any vacancy in the membership of the authority occurring other than by expiration of term shall be filled in the same manner as the original appointment, but for the unexpired term only.

“(c) The members of the authority shall elect one of the appointed members as chairman and another appointed member as vice-chairman. The members of the authority shall elect a secretary and a treasurer who need not be members of the authority, and who may be one and the same person. Five (5) members of the authority shall constitute a quorum, and the concurrence of five (5) members shall be necessary for any action taken by the authority. No vacancy in the membership of the authority shall impair the right of quorum to exercise all the rights and perform all the duties of the authority.

“(d) Each appointed member of the authority shall at all times while serving as such member be covered by a fidelity bond in the penal sum of twenty-five thousand dollars (\$25,000); the secretary of the authority shall at all times be covered by a fidelity bond in the penal sum of twenty-five thousand dollars (\$25,000); and the treasurer of the authority shall at all times be covered by a fidelity bond in the penal sum of fifty thousand dollars (\$50,000); provided, that if the same person is both secretary and treasurer one fidelity bond in the penal sum of fifty thousand dollars (\$50,000) shall be sufficient; and provided, further, that none of the said fidelity bonds need to be obtained prior to the date of the issuance by the authority of the first bonds or notes that may be issued by it. Each such fidelity bond shall be conditioned upon the faithful performance of the duties of the office of member, secretary, or treasurer, as the case may be, of the authority; shall be executed by a surety company authorized to transact business as a surety company in the state; and shall be approved by the governor and filed in the office of the secretary of state. The cost of all such fidelity bonds shall be borne by the authority.

“(e) The appointed members of the authority shall be paid for their services in the sum of twenty (20) dollars for each day, or part thereof, occupied in the discharge of their duties as members of the authority.”

and renumber the following sections.

Also, in renumbered Section 4, page 2, subsection (f) add the following words and figures: Provided, however, that the authority shall not issue a total of more than three hundred fifty million dollars in bonds for all toll roads in this state and provided, further, that studies taken by the authority or any authorized agency of the authority must show a one to one ratio of funding for any toll road project before such bonds may be issued.

REPORT FROM RULES

Mr. Clark, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 195. NAMING THE TALLADEGA NATIONAL GUARD ARMORY FOR GENERAL LAURIS D. GRAVES.

On motion of Mr. Weaver, said Resolution was then adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 418

The Senate proceeded to further consideration of the Bill, H. B. 418. The question was on the amendment offered by Mr. Dozier.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill, H. 205 Said Conference Report being in words and figures, as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON H. B. 205

We, the committee of conference appointed to reconcile the disagreement between the two houses concerning H. B. 205, have met, considered the matter, and agreed to the following report:

Attached Substitute House Bill 205

Conferees On Part of the House

WALTER OWENS

FRANK JACKSON

W. E. HARDIN

Conferees On Part of the Senate

GEO. LEWIS BAILES

JOHN M. BAKER

JOHN H. HAWKINS

SUBSTITUTE FOR H. B. 205, AS AMENDED

A BILL

TO BE ENTITLED

AN ACT

Relating to taxation: exempting all volunteer fire departments in this State, the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus, the Episcopal Foundation of Jefferson County, the Alabama Heart Association and the Presbyterian Apartments, Inc. and their property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

Be It Enacted by the Legislature of Alabama:

Section 1. All volunteer fire departments in this State, and all real and personal property of all volunteer fire departments in this State, the Alabama Society of the Daughters of the American Revolution, and all real and personal property of the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus, and all real and personal property of the Annual Shrine Circus, the Episcopal Foundation of Jefferson County, and all real and personal property of the Episcopal Foundation of Jefferson County, the Alabama Heart Association and all real and personal property of the Alabama Heart Association, and the Presbyterian Apartments, Incorporated and all real and personal property of the Presbyterian Apartments, Incorporated, when

such real and personal property shall be used as provided in Act No. 47, H. 92, Special Session 1961 (Acts 1961, p. 1904) now appearing in Code of Alabama 1940, Title 51, Section 12 (2), as amended, are exempt from the payment of any and all state, county and municipal taxes, licenses, fees and charges of any nature whatsoever, including any privilege or excise tax heretofore or hereafter levied by the State of Alabama or any county or municipality thereof.

Section 2. All volunteer fire departments in this State, the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus, the Episcopal Foundation of Jefferson County, the Alabama Heart Association and the Presbyterian Apartments, Incorporated shall be subject to all the provisions of Act No. 47, H. 92, Special Session 1961 (Acts 1961, p. 1904), now appearing in Code of Alabama 1940, Title 51, Section 12 (2), as amended, as are all other organizations named therein.

Section 3. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill:

By Messrs. Lyons and Owens:

H. 205. Relating to taxation: exempting the Episcopal Foundation of Jefferson County and the Alabama Heart Association and their property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

as amended by the report of the Committee on Conference, was again read and passed by a vote of: Yeas 51, Nays 0.

And said bill, together with the Report of the Committee on Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Hawkins, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 205, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dozier	Jones	Owen
Bailes	Edington	King	Pelham
Baker	Fine	Lindsey	Pierce
Branyon	Givhan	Littleton	Register
Carr	Harris	Lybrand	Shelby
Clark	Hawkins	Melton	Weaver
Cook	Horne	Noonan	Wilder
Dominick			

—28

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 262. Providing for the creation of a lien on land and improvements in favor of those who rent or lease appliances, machinery or equipment for use in construction of improvements to land or in clearing or improving land.

Also:

S. 261. To amend Act No. 68, H. 73, Acts of Alabama 1953, approved June 3, 1953, so as to provide for the establishment of prima facie evidence of intent to dispose of or convert property of another which is subject to lease.

Also:

S. 579. To authorize the governing bodies of the several counties of the State to pay all expenses incurred by the Tax Assessors, Tax Collectors, Circuit Clerks and Registers or other like official by membership in their State organization.

Also:

S. 29. To amend Section 1 of Act No. 531, S. B. 101, Regular Session 1947, (Acts 1947, p. 388), as amended, which act provides for the compensation of members of the board of registrars.

Also:

S. 223. To provide an expense allowance for the members of the State Board of Education in addition to certain expenses incurred in attending meetings and transacting business of the board and providing that provisions of Act No. 470, S. 182, Regular Session 1969 (Acts 1969, p. 912) shall not be applicable to the members of said boards.

Also:

S. 253. To authorize the Director of Finance, the Director of the Alabama Development Office, the State Treasurer and the Executive Secretary to the Governor to become a public corporation for the purpose of acquiring land for, and erecting, constructing, maintaining, operating and leasing thereon, a products market, exhibition halls, buildings and other related structures and facilities in Jefferson County, Alabama, where products and goods may be displayed to encourage the buying and selling of such products and goods, to encourage the expansion of existing industries in Alabama, to encourage the location of new industries in Alabama and to foster and encourage the growth of the general economy of Alabama; to provide the procedure for incorporation and to designate the members, directors and officers of the Authority; to provide for the establishment in Jefferson County, Alabama, of a products market to be known as the Southern Products Mart Authority; to prescribe the powers of the Authority, including the power to acquire real estate and to acquire, erect, construct, insure, maintain, manage, operate and lease thereon, facilities, buildings, warehouses, storage facilities, exhibition halls, parking areas and other structures and appurtenances of every kind and character used or useful by the Authority for its purposes, to exercise the power of eminent domain, and the power to sell and issue not exceeding twenty million dollars principal amount of bonds for such purposes; to specify certain provisions to be contained in the bonds and the execution and sale of such bonds; to authorize the issuance of refunding bonds; to provide for the invest-

ment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues, receipts and income of the Authority and shall not create an obligation or debt of the State or any political subdivision thereof other than the Authority; to provide that any bonds issued by the Authority may be used as security for the deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to specify the application of the revenues, receipts and income of the Authority; to provide for the construction and equipment of the buildings and facilities of the Authority; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues, receipts and income from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues, receipts and income which filing will constitute notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to or by any person as defined in the act, including the state or any political subdivision thereof, any agency or board of the state, any municipality or body politic, of space for occupancy on the premises or in the buildings or other structures of the Authority; to provide for the audit of books and accounts of the Authority; to provide for competitive bidding on construction contracts; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide for and limit remedies in the event of any default; to provide for dissolution of said Authority and conveyance of its assets and properties to the state upon payment of said bonds; to provide that the provisions of this act shall be severable; and to provide for a date upon which this act shall become effective.

Also:

S. 337. To provide for the sale to the Alcoholic Beverage Control Board of certain confiscated liquors and beverages; and to provide for the disposition of funds accruing therefrom.

Also:

S. 707. To further regulate the procedure for keeping a record of certain non-consumable personal property owned by the State.

Also:

S. 709. To provide that any legislative proposal affecting the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama be accompanied by an actuarial estimate of all future contributions required of the State or members of the Retirement Systems.

Also:

S. 711. To amend Section 708, Title 51, Code of Alabama 1940, by increasing the payment for replacement motor vehicle license plates to three dollars, one dollar to be retained by the license inspector or the probate judge and two dollars to be remitted to the department of revenue.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 712. To create the position of Manager of Printing and Publications in the Department of Finance, to provide for the functions, duties, and responsibilities of this position, to provide for the employment of a manager and additional employees and their compensation, and to make an appropriation.

Also:

S. 717. To create a Data Systems Management Division within the Finance Department, to provide its powers, duties, and authority, to authorize the employment of a Director of such division and additional employees and to provide for their compensation, to create an Advisory Committee and its composition, and to make appropriation.

Also:

S. 718. To amend Section 9 of Act No. 341, H. 26, Regular Session 1945 (Acts 1945, p. 554), which pertains to the Department of Conservation and Natural Resources' powers and duties with respect to lands owned by the State of Alabama, so as to provide that the maximum amount charged by said Department for administering, managing, protecting or developing state owned land will be raised from five percent (5%) of the gross income derived from said land to seven and one-half percent (7½%).

Also:

S. 721. To provide for the purchase of materials, equipment, supplies or other personal property from the United States Government or any of its agencies without receiving competitive bids on such purchases.

Also:

S. 723. To amend further Section 64 of Title 36, Code of Alabama, (1940), as amended, so as to increase the fee for learner's permits to fifty cents.

Also:

S. 724. To amend further Section 74 of Title 36, Code of Alabama, (1940) as amended, so as to increase the fee for a duplicate driver's license to \$1.50.

Also:

S. 725. To create the Office of Space Management in the Department of Finance, to prescribe its powers, duties, and responsibilities, to authorize the hiring of a director and staff, and to provide for the compensation of such employees, and to make an appropriation.

Also:

S. 774. To create the Minerals Resource Management Committee; to provide for its membership, duties and responsibilities.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1345. To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 289. To make an appropriation from funds in the State Treasury to the credit of the General Fund for the purpose of constructing and equipping a building to house a livestock and poultry disease diagnostic laboratory and an agricultural chemistry laboratory at Auburn, Alabama for use by the Department of Agriculture and Industries.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1345. To authorize Alabama Public School and College Authority to sell and issue one hundred seventy-nine million nine hundred twenty-one thousand dollars (\$179,921,000) aggregate principal amount of additional bonds for capital improvements for public educational purposes, including libraries, laboratories and facilities for athletics, recreation and physical education, and research facilities, including the acquisition of land, including colleges and universities, vocational-technical institutes, junior colleges, elementary-secondary school systems and special schools; to provide for the details of the said bonds and for the public sale thereof; to make an appropriation and pledge for payment of the principal of and interest on the bonds of proceeds from specified excise taxes to the extent necessary to pay the said principal and interest at their respective maturities; to authorize the Authority to pledge for payment of the principal of and interest on the bonds the moneys so appropriated and pledged; to provide that the bonds shall be limited obligations of the Authority payable solely out of the funds so appropriated and pledged and will not create a debt or obligation of the state; to provide that the bonds and the income therefrom shall be exempt from taxation in this state and the bonds may be used to secure deposits of funds of this state and its political subdivisions, instrumentalities and agencies, and for investment of fiduciary funds; to authorize the issuance by the Authority of refunding bonds for the purpose of refunding the principal of any then outstanding bonds theretofore issued by either the Authority or Alabama Education Authority or both, and the expenses of such refunding and any premiums necessary to retire those so refunded; to provide that after payment of the expenses of the issuance of the bonds the proceeds from the sale thereof shall be disbursed on orders or warrants issued by or under the direction of the Authority for purposes for which they are authorized to be issued; and to provide that if any portion of this Act should be held invalid such holding shall not affect the validity of any other portion thereof.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

BILLS ON THIRD READING RESUMED

The Bill:

H. 991. To provide for a retirement system for the sheriffs of the various counties within the state.

was taken up.

The Standing Committee on Commerce, Transportation and Common Carriers reported the following amendment to the Bill, H. B. 991, to-wit:

COMMITTEE AMENDMENT TO H. B. 991

Amend H. B. 991 by amending Section 3 to read as follows:

Section 3. The governing body of each county shall begin deducting upon the effective date of the act and each month thereafter from the salaries of such sheriffs an amount equal to four per cent of the monthly salary paid such sheriff up to Fifteen Thousand Dollars (\$15,-

000) and all such sums paid into the general fund of the county. If any sheriff subject to the provisions of this Act shall end his tenure of office prior to becoming eligible for retirement benefits as provided herein, he may elect to receive an amount equal to one-half ($\frac{1}{2}$) of the amount paid by him into the county general fund as provided in this Act same to be paid in one lump sum, or he may elect to leave said monies in said fund and continue in law enforcement until he becomes eligible for retirement benefits hereunder; subject however to the provision that he must make the latter election within three years of the end of his tenure of office or else the county shall pay to him by one lump sum one-half ($\frac{1}{2}$) of the amount paid by him into the county general fund at the end of such three-year period without any further action being necessary. In the event any such person shall die prior to becoming eligible for retirement benefits as provided herein, his estate shall receive in one lump sum one-half ($\frac{1}{2}$) of all such funds paid by him into the county general fund.

Any Sheriff holding office on the date of passage of this Act, who is a member of, or eligible to be a member of any other public retirement plan, shall have sixty (60) days from the date of this Act to make an irrevocable choice of the two plans. Any Sheriff taking office subsequent to the signing of this Act shall have sixty (60) days after taking office to make an irrevocable choice of the two plans.

Which was adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Foshee	Littleton	Pierce
Bailes	Gilmore	Lybrand	Register
Baker	Givhan	Malone	Shelby
Carr	Harris	Melton	Vacca
Clark	Hawkins	Noonan	Weaver
Cook	Jones	Owen	Wilder
Edington	King	Pelham	Wilson
Fine	Lindsey		

—29

Nays:

—0

Mr. Cook offered the following amendment to the Bill, H. B. 991, as amended, to-wit:

AMENDMENT TO H. B. 991, AS AMENDED

Amend H. B. 991 after Section 3 by adding a new section four (4) and renumbering all remaining sections.

Section (4) four.

The provisions of Section Three (3) of this act shall not apply to any person who has served a minimum of (16) sixteen years as a sheriff and four (4) years as deputy in any county in this state.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Clark	Gilmore	Jones
Bailes	Cook	Givhan	King
Baker	Fine	Harris	Lindsey
Branyon	Foshee	Hawkins	Littleton

Lybrand	Noonan	Pierce	Vacca
McLain	Owen	Register	Weaver
Malone	Pelham	Shelby	Wilder

—27

Nays:

—0

Mr. Bailes then offered the following amendment to the Bill, H. B. 991, as amended, to-wit:

AMENDMENT TO H. B. 991, AS AMENDED

Amend H. B. 991 by striking the word "various" from the title of said bill and inserting in lieu thereof the word "certain". Further amend H. B. 991 by striking the words "each county" from the first sentence of Section 3 and insert in lieu thereof the words "certain counties." Section 3 is also amended by adding the following sentence at the end of Section 3: "It is further provided that the provisions of the act shall not apply to counties having a population of over 600,000."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Pelham
Bailes	Gilmore	Littleton	Pierce
Baker	Givhan	Lybrand	Register
Branyon	Harris	McLain	Shelby
Clark	Hawkins	Malone	Vacca
Cook	Jones	Noonan	Weaver
Fine	King	Owen	Wilder

—27

Nays:

—0

Mr. Baker offered the following amendment to the Bill, H. B. 991, as amended, to-wit:

SENATE AMENDMENT TO H. B. 991

Amend H. B. 991 by adding Section 1A as follows:

"Section 1A. Any Sheriff or any person who has served as Sheriff of any county of this state and who has had twenty years of service as a law enforcement officer, four (4) of which have been as a Sheriff, and who has reached the age of sixty (60) years shall be eligible to participate and receive benefits under the Sheriffs' Retirement System as hereinafter provided."

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Pelham
Bailes	Gilmore	Littleton	Pierce
Baker	Givhan	Lybrand	Register
Branyon	Harris	McLain	Shelby
Clark	Hawkins	Malone	Vacca
Cook	Jones	Noonan	Weaver
Fine	King	Owen	Wilder

—27

Nays:

—0

And said Bill, H. B. 991, as thus amended, was then read a third time at length and passed.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Foshee	Lindsey	Pelham
Bailes	Gilmore	Littleton	Pierce
Baker	Givhan	Lybrand	Register
Branyon	Harris	McLain	Shelby
Clark	Hawkins	Malone	Vacca
Cook	Jones	Noonan	Weaver
Fine	King	Owen	Wilder

—27

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 195. Naming the Talladega National Guard Armory for General Lauris D. Graves.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 289. To make an appropriation from funds in the State Treasury to the credit of the General Fund for the purpose of constructing and equipping a building to house a livestock and poultry disease diagnostic laboratory and an agricultural chemistry laboratory at Auburn, Alabama for use by the Department of Agriculture and Industries.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bill with the original Senate Bill, respectively, and finds same correctly enrolled, to-wit:

S. 214. To propose an amendment to the Constitution of Alabama with respect to Article VI thereof which creates the Judicial Department of the State and prescribes the powers, duties and functions of all courts and the powers, duties, functions and qualifications of all judicial, prosecuting, and administrative officers; and for the repeal of Article VI of the Constitution of Alabama of 1901 as amended, and amendments 317 and 323 thereof.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 205. Relating to taxation: exempting all volunteer fire departments in this State, the Alabama Society of the Daughters of the American Revolution, the Annual Shrine Circus, the Episcopal Foundation of Jefferson County, the Alabama Heart Association and the Presbyterian Apartments, Inc. and their property from state, county and municipal taxes, licenses, fees and excises, under certain prescribed conditions.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 421. To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court, judges of the courts of appeal, and circuit court judges.

said Conference Report being in words and figures as follows:

REPORT OF THE COMMITTEE OF CONFERENCE ON H. B. 421

We, the committee of conference appointed to reconcile the disagreement between the two houses concerning H. B. 421, have met, considered the matter, and agreed to the following report:

We recommend that the Senate recede from its substitute to the bill, and that the bill as passed by the House be agreed to by both houses.

Conferees of the House
JOHN CASEY
JOE C. McCORQUODALE, JR.
MAURICE A. DOWNING

Conferees of the Senate
JOE FINE
STEWART O'BANNON, JR.
FRED RAY LYBRAND

A BILL
TO BE ENTITLED
AN ACT

To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court, judges of the courts of appeal, and circuit court judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 29, Title 13, Code of Alabama 1940, as amended, relating to the salary of every justice of the supreme court, is further amended to read as follows:

"Section 29. The salary of the chief justice of the supreme court shall be thirty-three thousand five hundred dollars (\$33,500) annually and the salary of every associate justice of the supreme court shall be thirty-three thousand five hundred dollars (\$33,500) annually, payable in equal semi-monthly installments as the salaries of other state officers are paid."

Section 2. Section 111 (18), Title 13, Code of Alabama 1940, as amended, relating to the salary of each judge on the court of appeals, is further amended to read as follows:

"Section 111 (18). The salary of each judge on each court of appeals shall be an annual amount of thirty-three thousand dollars (\$33,000) annually, payable in equal semi-monthly installments as the salaries of other state officers are paid."

Section 3. Section 177 (1f), Title 13, Code of Alabama 1940, as amended, relating to the salary payable by the State of Alabama to each circuit judge of the state, is further amended to read as follows:

"Section 177 (1f), The salary payable by the State of Alabama to each circuit judge of the State of Alabama shall be twenty-five thousand dollars (\$25,000) per annum and shall be paid out of the general treasury of the state in equal semi-monthly installments. This section shall not affect the compensation paid to any circuit judge by any county."

Section 4. The parts of this Act are severable. If any part of this

Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. This Act shall take effect upon its passage and approval by the Governor, or upon it otherwise becoming a law but, in no event, prior to the first Monday after the second Tuesday in January 1975; provided that thereafter any change in said salary shall be limited in its commencement by operation of any applicable constitutional provision, if any.

And said bill as thus amended by the Report of the Committee of Conference was again read at length and passed.

And said bill, together with the Report of the Committee of Conference, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,
Clerk.

HOUSE MESSAGE

On motion of Mr. Lybrand, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 421, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Fine	Lindsey	Owen
Bailes	Foshee	Littleton	Pelham
Baker	Gilmore	Lybrand	Pierce
Carr	Givhan	McLain	Register
Cook	Hawkins	Malone	Shelby
Dominick	Horne	Melton	Weaver
Dozier	Jones	Noonan	Wilder
Edington	King	O'Bannon	Wilson

—31

Nay: Mr. Branyon

—1

And said Bill, H. B. 421, as thus amended by the Conference Report, was again read at length and passed.

Yeas 31; Nays 1.

Yeas:

Messrs.:	Fine	Lindsey	Owen
Bailes	Foshee	Littleton	Pelham
Baker	Gilmore	Lybrand	Pierce
Carr	Givhan	McLain	Register
Cook	Hawkins	Malone	Shelby
Dominick	Horne	Melton	Weaver
Dozier	Jones	Noonan	Wilder
Edington	King	O'Bannon	Wilson

—31

Nay: Mr. Branyon

—1

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1258. To amend Section 8, Title 26, Chapter 1, Code of Alabama 1940, as last amended, relating to the pay for members of the Board of Appeals of the Department of Industrial Relations.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and sends same herewith to the Senate:

S. 896. Requiring immunization of children against or testing for certain diseases designated by the State Board of Health and requiring proof of immunization or testing prior to entry of children into school.

Also:

S. 130. To amend Section 319 of Title 46, Code of Alabama, 1940, as amended, which relates to the practice of Veterinary Medicine and surgery in Alabama.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1284. To provide for the uniform minimum compensation for all deputy sheriffs in certain counties having less than 600,000 population according to the last or any subsequent federal census in the State of Alabama.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1273. To amend Section 257, subsection (d) of Sections 263, 269, 270, 271, 273, 277, 279, 280, 283, 285, 286, 289, 292, 293, 301, paragraphs (2), (4) and (5) of Section 309, Sections 312 and 324, all being of Chapter 5, Title 26, Code of Alabama 1940, as last amended, Sections 4, 6, and 12 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, Sections 3, 5, and 11 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, and Sections 3, 5, and 11 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, and to

repeal Sections 255, 256, 274, 275, 276, all being of Chapter 5, Title 26, Code of Alabama 1940, as last amended, Sections 5 and 8 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, Sections 4 and 7 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, and Sections 4 and 7 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, relating to providing compulsory coverage of subject employers and employees, extending coverage to common carriers but specifying certain persons not to be employees of common carriers, allowing elective coverage of farmers, extending the presumption of dependency to include husbands, increasing the maximum and minimum weekly compensation payable, extending the maximum number of weeks payable for permanent total disability and for death, increasing the amount payable for burial expense, reducing the number of days of disability required before compensation is payable for the waiting period, providing for a penalty for late payments of compensation, increasing medical benefits and extending the period during which such benefits are payable, specifying coverage of physical rehabilitation as a medical benefit, providing for a change of physician under certain circumstances, increasing the basis of calculation whereby an employer may be discharged from the payment of future installments of compensation, providing for additional reports to be filed with the Department of Industrial Relations, authorizing the Director of Industrial Relations to require self-insured employers to post bond or securities and to prescribe other rules and regulations regarding self-insurance, providing for the applicability of and effect of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, providing for penalties for the failure to secure compensation liability and for failure to file reports, permitting the parties to agree as to the intervals at which certain benefits shall be paid, and appropriating \$47,000 for the fiscal year beginning October 1, 1973, and ending September 30, 1974, and \$46,000 for the fiscal year beginning October 1, 1974, and ending September 30, 1975, out of the general fund of the State Treasury to the Department of Industrial Relations for carrying out the purpose of this Act, all relating to the Workmen's Compensation Law, Articles 1, 2, 2A, 2B, 2C, and 3 of Chapter 5 of Title 26 of the Code of Alabama 1940, as last amended, pertaining to compensation of employees by employers for job-related injuries and certain illnesses and diseases.

JOHN W. PEMBERTON,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1273. To amend Section 257, subsection (d) of Sections 263, 269, 270, 271, 273, 277, 279, 280, 283, 285, 286, 289, 292, 293, 301, paragraphs (2), (4) and (5) of Section 309, Sections 312 and 324, all being of Chapter 5, Title 26, Code of Alabama 1940, as last amended, Sections 4, 6, and 12 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, Sections 3, 5, and 11 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, and Sections 3, 5, and 11 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, and to repeal Sections 255, 256, 274, 275, 276, all being of Chapter 5, Title 26, Code of Alabama 1940, as last amended, Sections 5 and 8 of Act No. 180, adopted at the 1951 Regular Session of the Legislature of Alabama, as last amended, Sections 4 and 7 of Act No. 521, adopted at the 1967 Regular Session of the Legislature of Alabama, as last amended, and

Sections 4 and 7 of Act No. 668, adopted at the 1971 Regular Session of the Legislature of Alabama, as last amended, relating to providing compulsory coverage of subject employers and employees, extending coverage to common carriers but specifying certain persons not to be employees of common carriers, allowing elective coverage of farmers, extending the presumption of dependency to include husbands, increasing the maximum and minimum weekly compensation payable, extending the maximum number of weeks payable for permanent total disability and for death, increasing the amount payable for burial expense, reducing the number of days of disability required before compensation is payable for the waiting period, providing for a penalty for late payments of compensation, increasing medical benefits and extending the period during which such benefits are payable, specifying coverage of physical rehabilitation as a medical benefit, providing for a change of physician under certain circumstances, increasing the basis of calculation whereby an employer may be discharged from the payment of future installments of compensation, providing for additional reports to be filed with the Department of Industrial Relations, authorizing the Director of Industrial Relations to require self-insured employers to post bond or securities and to prescribe other rules and regulations regarding self-insurance, providing for the applicability of and effect of Articles 1, 2 and 3 of Chapter 5, Title 26, Code of Alabama 1940, as amended, providing for penalties for the failure to secure compensation liability and for failure to file reports, permitting the parties to agree as to the intervals at which certain benefits shall be paid, and appropriating \$47,000 for the fiscal year beginning October 1, 1973, and ending September 30, 1974, and \$46,000 for the fiscal year beginning October 1, 1974, and ending September 30, 1975, out of the general fund of the State Treasury to the Department of Industrial Relations for carrying out the purpose of this Act, all relating to the Workmen's Compensation Law, Articles 1, 2, 2A, 2B, 2C, and 3 of Chapter 5 of Title 26 of the Code of Alabama 1940, as last amended, pertaining to compensation of employees by employers for job-related injuries and certain illnesses and diseases.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 421. To fix the annual compensation of the chief justice of the supreme court, associate justices of the supreme court, judges of the courts of appeal, and circuit court judges.

Also:

H. 1258. To amend Section 8, Title 26, Chapter 1, Code of Alabama 1940, as last amended, relating to the pay for members of the Board of Appeals of the Department of Industrial Relations.

JOHN W. PEMBERTON,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

REPORT OF
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. J. R. 99. Changing the Tuscaloosa State Trade School to "George E. Manley State Trade School."

Also:

S. J. R. 124. Appreciation for "Physician for a Day" program.

Also:

S. J. R. 123. Making H. B. 112 the "Thomas Reed Bill"

Also:

S. J. R. 101, Creating an interim committee to study the laws of this state respecting the distribution of all law books, journals, reports and pamphlet acts.

Also:

S. J. R. 106, Permitting foreign nurses to practice as licensed nurses on a temporary basis.

Also:

S. J. R. 125. Commending Senator James A. Branyon.

Also:

S. 72. To amend the title and Section 1 of Act No. 282, S. 218, Third Special Session 1971 (Acts 1971, p. 4556), fixing supplemental salaries of circuit judges in judicial circuits composed of one county having a certain number of circuit judges.

Also:

S. 298. To amend Act No. 218 adopted at the 1967 Special Session of the Legislature respecting municipal public park and recreation boards, to exempt any corporation organized pursuant thereto from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, and from the laws of the State of Alabama requiring competitive bidding in connection with contracts, and to amend the definitions in the said act to include public restroom facilities, boats, rides and amusement facilities in the definition of "project" therein.

Also:

S. 386. To authorize incorporated cities and towns to transfer and convey with, or without consideration, to a medical clinic board incorporated pursuant to Act No. 516 adopted at the 1955 Regular Session of

the Legislature of Alabama, approved September 9, 1955 (Acts of 1955, p. 1160, et seq.) as amended, with the approval of its governing body, any property, including medical clinics or clinical facilities, hospitals and hospital facilities and assets, and any land used or useable for medical clinic or hospital purposes, including any hospitals or hospital property or assets received by such municipality upon the dissolution of a hospital building authority incorporated pursuant to the provisions of Act No. 109, General Laws of Alabama, approved August 1, 1961.

Also:

S. 402. To provide that the State Personnel Department, with the advice of The Alabama State Employees' Association, shall provide for service recognition pins for state personnel.

Also:

S. 527. To apply in all counties having less than 600,000 population according to the last or any subsequent federal census. To provide for the keeping of records by junk dealers and scrap metal processors of the purchases of copper wire subject to inspection by sheriffs and state law enforcement officers, and to provide a penalty for the violation thereof.

Also:

S. 585. Amending Section 77 of Title 41, Alabama Code, 1940, requiring the execution of bonds by a tax collector, so as to provide a formula for determining the amount of the bond.

Also:

S. 698. To make appropriations from the general fund in the State Treasury to the Board of Corrections Fund to be used for Law Enforcement Planning Agency matching funds for the fiscal years ending September 30, 1974 and 1975.

Also:

S. 777. Relating to counties having populations of not less than 57,000 nor more than 61,000 according to the most recent federal decennial census, providing an additional expense allowance for the county solicitor from the County Solicitor's Fund of such counties.

Also:

S. 787. To provide for the supplemental compensation of the Circuit Judges of the 31st Judicial Circuit, and to provide the means and manner for the payment of the same, so as to provide further for such compensation.

Also:

S. 860. To provide that all former Governors of the State of Alabama who shall have been partially or totally disabled while serving in that office shall receive monthly retirement pay out of the general fund in the state treasury.

Also:

S. 263. To provide for the return of certain leased or rented personalty obtained by fraud.

Also:

S. 393. To amend Title 13, Section 255, Code of Alabama, 1940, as amended, relating to the appointment of deputy district attorneys for

the Fifteenth and Twenty-sixth Judicial Circuits of Alabama, and their salaries.

Also:

S. 448. To regulate further the office of circuit solicitor of the First Judicial Circuit of Alabama: Creating special funds for expenditure by the circuit solicitor in law enforcement and in the conduct of his office.

Also:

S. 528. To validate moral obligations, not exceeding five hundred dollars (\$500.00) in amount, paid by the Alabama Industrial School for Negro Children for motor vehicle accidents involving employees during the period October 1, 1966 through September 30, 1968.

Also:

S. 865. Relating to all counties having populations of not less than 65,000 nor more than 68,000; providing further for the compensation of the tax assessor and tax collector in all such counties.

Also:

S. 29. To amend Section 1 of Act No. 531, S. B 101, Regular Session 1947, (Acts 1947, p. 388), as amended, which act provides for the compensation of members of the board of registrars.

Also:

S. 130. To amend Section 319 of Title 46, Code of Alabama, 1940, as amended, which relates to the practice of Veterinary Medicine and surgery in Alabama.

Also:

S. 223. To provide an expense allowance for the members of the State Board of Education in addition to certain expenses incurred in attending meetings and transacting business of the board and providing that provisions of Act No. 470, S. 182, Regular Session 1969 (Acts 1969, p. 912) shall not be applicable to the members of said boards.

Also:

S. 253. To authorize the Director of Finance, the Director of the Alabama Development Office, the State Treasurer and the Executive Secretary to the Governor to become a public corporation for the purpose of acquiring land for, and erecting, constructing, maintaining, operating and leasing thereon, a products market, exhibition halls, buildings and other related structures and facilities in Jefferson County, Alabama, where products and goods may be displayed to encourage the buying and selling of such products and goods, to encourage the expansion of existing industries in Alabama, to encourage the location of new industries in Alabama and to foster and encourage the growth of the general economy of Alabama; to provide the procedure for incorporation and to designate the members, directors and officers of the Authority; to provide for the establishment in Jefferson County, Alabama, of a products market to be known as the Southern Products Mart Authority; to prescribe the powers of the Authority, including the power to acquire real estate and to acquire, erect, construct, insure, maintain, manage, operate and lease thereon, facilities, buildings, warehouses, storage facilities, exhibition halls, parking areas and other structures and appurtenances of every kind and character used or useful by the Authority for its purposes, to exercise the power of eminent domain, and the power to sell and issue not exceeding twenty million dollars principal amount of bonds for such purposes; to specify certain provisions to be contained

in the bonds and the execution and sale of such bonds; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues, receipts and income of the Authority and shall not create an obligation or debt of the State or any political subdivision thereof other than the Authority; to provide that any bonds issued by the Authority may be used as security for the deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to specify the application of the revenues, receipts and income of the Authority; to provide for the construction and equipment of the buildings and facilities of the Authority; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues, receipts and income from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues, receipts and income which filing will constitute notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to or by any person as defined in the act, including the state or any political subdivision thereof, any agency or board of the state, any municipality or body politic, of space for occupancy on the premises or in the buildings or other structures of the Authority; to provide for the audit of books and accounts of the Authority; to provide for competitive bidding on construction contracts; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; to provide for and limit remedies in the event of any default; to provide for dissolution of said Authority and conveyance of its assets and properties to the state upon payment of said bonds; to provide that the provisions of this act shall be severable; and to provide for a date upon which this act shall become effective.

Also:

S. 261. To amend Act No. 68, H. 73, Acts of Alabama 1953, approved June 3, 1953, so as to provide for the establishment of prima facie evidence of intent to dispose of or convert property of another which is subject to lease.

Also:

S. 262. Providing for the creation of a lien on land and improvements in favor of those who rent or lease appliances, machinery or equipment for use in construction of improvements to land or in clearing or improving land.

Also:

S. 337. To provide for the sale to the Alcoholic Beverage Control Board of certain confiscated liquors and beverages; and to provide for the disposition of funds accruing therefrom.

Also:

S. 579. To authorize the governing bodies of the several counties of the State to pay all expenses incurred by the Tax Assessors, Tax Collectors, Circuit Clerks and Registers or other like official by membership in their State organization.

Also:

S. 707. To further regulate the procedure for keeping a record of certain non-consumable personal property owned by the State.

Also:

S. 717. To create a Data Systems Management Division within the Finance Department, to provide its powers, duties, and authority, to authorize the employment of a Director of such division and additional employees and to provide for their compensation, to create an Advisory Committee and its composition, and to make appropriation.

Also:

S. 718. To amend Section 9 of Act No. 341, H. 26, Regular Session 1945 (Acts 1945, p. 554), which pertains to the Department of Conservation and Natural Resources' powers and duties with respect to lands owned by the State of Alabama, so as to provide that the maximum amount charged by said Department for administering, managing, protecting or developing state owned land will be raised from five percent (5%) of the gross income derived from said land to seven and one-half percent ($7\frac{1}{2}\%$).

Also:

S. 721. To provide for the purchase of materials, equipment, supplies or other personal property from the United States Government or any of its agencies without receiving competitive bids on such purchases.

Also:

S. 723. To amend further Section 64 of Title 36, Code of Alabama, (1940), as amended, so as to increase the fee for learner's permits to fifty cents.

Also:

S. 724. To amend further Section 74 of Title 36, Code of Alabama, (1940) as amended, so as to increase the fee for a duplicate driver's license to \$1.50.

Also:

S. 725. To create the Office of Space Management in the Department of Finance, to prescribe its powers, duties, and responsibilities, to authorize the hiring of a director and staff, and to provide for the compensation of such employees, and to make an appropriation.

Also:

S. 896. Requiring immunization of children against or testing for certain diseases designated by the State Board of Health and requiring proof of immunization or testing prior to entry of children into school.

Also:

S. 709. To provide that any legislative proposal affecting the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama be accompanied by an actuarial estimate of all future contributions required of the State or members of the Retirement Systems.

Also:

S. 711. To amend Section 708, Title 51, Code of Alabama 1940, by increasing the payment for replacement motor vehicle license plates to

three dollars, one dollar to be retained by the license inspector or the probate judge and two dollars to be remitted to the department of revenue.

Also:

S. 712. To create the position of Manager of Printing and Publications in the Department of Finance, to provide for the functions, duties, and responsibilities of this position, to provide for the employment of a manager and additional employees and their compensation, and to make an appropriation.

Also:

S. 774. To create the Minerals Resource Management Committee; to provide for its membership, duties and responsibilities.

JAMES S. CLARK,
Chairman.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. J. R. 90
S. J. R. 103
S. J. R. 109
S. J. R. 110
S. B. 125
S. B. 195
S. B. 515
S. B. 516
S. B. 537
S. B. 548
S. B. 642
S. B. 658
S. B. 761
S. B. 762
S. B. 763
S. B. 764
S. B. 779
S. B. 799
S. B. 801
S. B. 823
S. B. 833
S. B. 834
S. B. 836
S. B. 851
S. B. 853
S. B. 868
S. B. 869

S. B. 875
S. B. 879
S. B. 892
S. B. 893
S. B. 897
S. B. 934
S. B. 938
S. B. 940
S. B. 943

Delivered to the Governor, September 13, 1973, at 2:35 P.M.

S. B. 311
S. B. 312
S. B. 396
S. B. 427
S. B. 826
S. B. 831
S. B. 881
S. B. 890

Delivered to the Governor, September 13, 1973, at 5:45 P.M.

S. J. R. 122
S. B. 245
S. B. 364
S. J. R. 118
S. J. R. 119
S. J. R. 120
S. B. 284
S. B. 77
S. B. 136
S. B. 181
S. B. 293
S. B. 523
S. B. 778
S. B. 780
S. B. 863
S. B. 866
S. B. 878
S. B. 895
S. B. 757
S. B. 618

Delivered to the Governor, September 13, 1973, at 10:15 P.M.

S. B. 856

Delivered to the Secretary of State, September 13, 1973, at 10:35 P.M.

S. B. 107
S. B. 300
S. B. 387
S. B. 669
S. B. 747
S. B. 852
S. B. 858
S. B. 864
S. B. 867
S. B. 871
S. B. 882
S. B. 924
S. B. 749
S. B. 837
S. B. 838

S. B. 839
S. B. 880
S. B. 933
S. B. 944
S. B. 111
S. B. 145
S. B. 759

Delivered to the Governor, September 13, 1973, at 10:35 P.M.

S. B. 1

Delivered to the Governor, September 13, 1973, at 11:56 P.M.

S. B. 214

Delivered to the Secretary of State, September 13, 1973, at 11:56 P.M.

S. J. R. 99
S. J. R. 124
S. J. R. 123
S. J. R. 101
S. J. R. 106
S. J. R. 125
S. B. 72
S. B. 298
S. B. 386
S. B. 402
S. B. 527
S. B. 585
S. B. 698
S. B. 777
S. B. 787
S. B. 860
S. B. 263
S. B. 393
S. B. 448
S. B. 528
S. B. 865
S. B. 29
S. B. 130
S. B. 223
S. B. 253
S. B. 261
S. B. 262
S. B. 337
S. B. 579
S. B. 707
S. B. 717
S. B. 718
S. B. 721
S. B. 723
S. B. 724
S. B. 896
S. B. 709
S. B. 711
S. B. 712
S. B. 774
S. B. 725

Delivered to the Governor, September 13, 1973, at 12:00 Midnight.

McDOWELL LEE,
Secretary

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

INTERIM COMMITTEE APPOINTMENTS ANNOUNCED

Under the provisions of H. J. R. 189, the President and Presiding Officer of the Senate announced the appointment of Messrs. Foshee and Givhan as Senate members of the Fire Ant Study Commission.

Under the provisions of H. J. R. 208, the President and Presiding Officer of the Senate announced the appointment of Messrs. Littleton, Baker and Shelby as Senate members of the Environmental Land Management Study Committee.

Under the provisions of H. J. R. 201, the President and Presiding Officer of the Senate announced the appointment of Messrs. Owen, Melton, Gilmore and Lybrand to the Joint Interim Insurance Study Committee.

Under the provisions of S. B. 342, the President and Presiding Officer of the Senate announced the appointment of Messrs. Noonan and Owen as Senate members of the Fishing Reef Ship Commission.

Under the provisions of S. J. R. 101, the President and Presiding Officer of the Senate announced the appointment of Messrs. Clark, Foshee and Edington as Senate members of the Joint Interim Committee to Study laws regarding the distribution of law books, journals, etc.

Under the provisions of S. R. 58, the President and Presiding Officer of the Senate announced the appointment of Messrs. Foshee (Chairman), Harris, Lybrand, Littleton and Wilder as members of the Senate Ethics Committee.

Under the provisions of H. B. 756, the President and Presiding Officer of the Senate announced the appointment of Mr. Fine as Senate member of the Youth Services Board.

Under the provisions of H. J. R. 75, the President and Presiding Officer of the Senate announced the appointment of Messrs. Vacca, Wilder and Cook as Senate members of the Joint Interim Committee on Highway Safety.

COMMUNICATION APPOINTING MEMBERS TO INTERIM COMMITTEES

The President and Presiding Officer announced that a communication had been received from the Speaker of the House, appointing House members to the following Interim Committees, to-wit:

Fishing Reef Ship Commission: Messrs. Kinsey and Callahan.

Joint Interim Committee to Study laws regarding the distribution of law books, journals, etc.: Messrs. Hardin, Mims and Doss.

Committee to Study Insurance Rates and Premiums: Messrs. Owens, St. John, Timmons and Cottingham.

Environmental Land and Water Management Study Committee: Messrs. King, Crowe and Turner.

Fire Ant Study Commission: Messrs. Lang, Wise and Smith (K).

Joint Interim Committee on Highway Safety (Continuation): Messrs. Ellis, Collins, Hardin and Owens.

REPORT OF COMMITTEE
ON RULES ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-Fifth and Thirty-Sixth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

JAMES S. CLARK,
Chairman

COMMITTEE REPORT

On motion of Mr. Clark, the foregoing report was concurred in and the Journal of the Senate for the Thirty-Fifth and Thirty-Sixth Legislative Days was approved by the Senate.

ADJOURNMENT

At 12 o'clock Midnight, on motion of Mr. Lybrand, and in accordance with joint resolution heretofore adopted, the Senate adjourned sine die.

/s/ JERE BEASLEY

Lieutenant Governor and President
and Presiding Officer of the Senate

ATTEST:

/s/ McDOWELL LEE
Secretary of Senate.

IN THE LEGISLATURE OF THE STATE OF ALABAMA
STATE SENATE
REGULAR SESSION, 1973

LOBBYIST REGISTRATION

(In accordance with the provisions of Senate Rule 68.)

Allison, Claude F., Alabama LP-Gas Association.
Allen, Walter L., Association of Alabama Cemeteries.
Alexander, Dan C., Jr., Alabama Association of Podiatry
Amos, W. Douglas, Alabama Savings & Loan League.
Argo, J. Knox, Alabama Savings & Loan League.
Arrington, Richard H., Southern Railway Company.
Armagost, Edgar R., Alabama Concrete Industries Association.
Aubrey, Joe R., Crestwood Cemetery.
Aultman, Cecil, Steelworkers Legislative and Education Committee.

Bailey, George F., Jr., Alabama Railroad Association
Bailey, Ryburn H., Protective Life Insurance Company.
Baker, Schuyler A., John F. Lawhon Furniture Company & ATA.
Beers, Gary Jay, Alabama Education Study Commission.
Bell, James M., Sears, Roebuck & Company.
Binion, Mack B., Medical Association, State of Alabama.
Black, Duncan T., Jr., Medical Association, Alabama
Boutwell, Albert, Jefferson County, Alabama
Braddock, O. E., Town of Hoover, Alabama.
Bradley, Jack, Steelworkers Legislative and Education Committee.
Braswell, Herman B., State Law Enforcement Association.
Braswell, N. T., American Insurance Association.
Braswell, Thelma, Alabama Education Association.
Breckenridge, John M., City of Birmingham, Alabama.
Brown, E. T., Jr., The Water Works Board, City of Birmingham.
Bryant, B. G., Fraternal Order of Police.
Byars, Jerry C., H. E. Drummond Coal Company.

Cantrell, Ernest H., Fraternal Order of Police.

Cameron, James W., Alabama Fire Fighters Pension Fund, Alabama
Wholesale Beer Distributors, Council for Advancement of Private Col-
leges in Alabama.

Castle, John H., Mobile Gas Service Corporation.

Chastain, Mrs. Richard H., Bluff Park Action Committee.

Cloud, John W., Alabama Peace Officers Association.

Cole, Charles D., Judicial Conference.

Conway, T. M.,

Conwell, W. W., Birmingham Practical Nursing Association, Inc.

Coshatt, Dr. E. A., Alabama Optometric Association.

Cousins John L., Fraternal Order of Police

Cox, J. Hilary, Jr., Alabama Jaycees, Alabama State Employee's Association, Alabama State Nurse's Association.

Craig, Edward E., Sr., Jefferson County Citizens Committee for Local Self Government.

Creel, Ronald J., Mutual Savings Life Insurance Company.

Crow, Warren B., III, Associated Industries of Alabama.

Crowder, R. S., Birmingham Area Chamber of Commerce.

Cunningham, R. J., Alabama Association of Life Underwriters.

Davenport, Malcolm T., City of Midfield, Alabama.

Davidson, Rudolph, University of Alabama in Birmingham.

Davis, T. Wayne, Jr., Winn-Dixie Stores, Inc.

Dawkins, Joe M., Alabama Education Study Commission.

Debrow, Arnold, People of Mobile County.

Dodd, Elbert A., Fraternal Order of Police.

Dominick, Aubrey, Alabama Circuit Judges Association.

Durrett, Milton R., Trade Association.

Eaddy, Norman Olin, Jr., Montgomery Bicycle Club.

Eden, Tom, Alabama Textile Mfrs. Association.

Edwards, Morgan, Agriculture.

Elliott, E. F., Brotherhood of Locomotive Engineers.

Engelhardt, Sam M., Jr., Alabama Power Company.

Foster, John S., Committee of Retired Employees, City of Birmingham, Committee of Retired Employees, Jefferson County Board of Health.

Frizzle, Cecil, Hudson-Thompson, Inc., Q-Yellow Stamps Co., Inc.

Fullan, James M., Jr., Jefferson County Board of Cosmetology.

Gallion, MacDonald, American Mutual Insurance Alliance.

Gallion, Thomas T., III, American Mutual Insurance Alliance.

Gates, James C., Veterans of Foreign Wars, Department of Alabama.

Gayle, H. Jean, Mayor, City of Warrior.

Gipson, Ralph, City of Huntsville.

Graham, Joe W., Alabama Forestry Association.

Gray, Billy, Birmingham Fire Fighter, Local 117.

Grills, Ed, Magic City Trucking Service.

Gunter, Mrs. Annie Laurie, Office of Consumer Protection, State of Alabama.

Gwin, Robert W., Criminal Court of Jefferson County, Alabama.

Haigler, E. David, Sr., Civil Court of Jefferson County, Alabama.

Hall, James W., Jr., Alabama Press Association.

Hallam, Philip G., Alabama Wholesale Beer Distributors Association.

Hamilton, D. N., Alabama League of Municipalities, American Reciprocal Insurance Association, Automotive Wholesaler's Association of Alabama, Ben R. Goltsman Company, Dallas Beverage Company, Alabama Association of Circuit Court Clerks and Registers, Catrala of Alabama, Inc., City of Montgomery.

Hamilton, Lowell S., Mental Health Association.

Hamner, Reginald T., Alabama State Bar Association.

Hanan, Rubin Morris, Alabama League of Aging Citizens.

Hardy, George E., Jr., M. D., Jefferson County Department of Health.

Hart, James Whitfield, Jr., Alabama Petroleum Council.

Hastings, Earl L., Alabama Surface Mining Environmental Association.

Hawthorne, Frank H., Alabama Power Company.

Hicks, Melvin B., Steelworkers Legislative Committee.

Higginbotham, Jack, Steelworkers Legislative Committee.

Hildreth, William B., Alabama Hospital Association.

Hinton, James L., Alabama Chapter American Apparel Association.

Hodges, Judson P., City of Birmingham.

Hopkins, Barbara B., Stuart Pharmaceuticals.

Hornady, Jack, Self.

Hornbuckle, James D., Communication Workers of America.

Horne, John E., Alabama Rural Electric Association.

House, William Mike, Permanent Study Commission.

Houseal, Walter S., Alabama State Employees Association.

Hubbert, Paul R., Alabama Education Association.

Ingram, Kenneth F., Alabama Circuit Judges Association.

- Jackson, Gil, Communication Workers of America.
Jackson, James, Fraternal Order of Police.
Jackson, L. W., Self.
James, Earl D., Alabama Sheriffs Association.
Jason, Elza S., Self.
Johnsey, Walter F., Alabama Power Company.
Johnson, John B., Alabama Petroleum Council.
Johnson, Vreeland G., Fraternal Order of Police.
Johnson, Wallace E., Communication Workers of America.
Johnston, J. Reese, Jr., Jefferson County, Alabama, Jefferson County Wholesale Beer Dealers.
Jones, Genai R., Office of Consumer Protection.
Jones, Janice K., Fraternal Order of Police.
Jordan, James V., III, Southern Natural Gas Co.

Katz, Jane, League of Women Voters.
Kelce, William M., Alabama Surface Mining-Reclamation Council.
Kendall, R. G., Jr., Alabama Railroad Association.
Kines, D. E., Communication Workers of America.
King, A. M., Self.

Lacy, Alex S., Alabama Gas Corporation.
Lamberth, Leon R., Multiple Association Management Service.
Lawley, R. W., Jr., University of Montevallo.
Lawson, Donald G., Birmingham Parking Association.
Leake, Howard D., Hendon & Co., Inc.
Lewis, Riley, Jr., The Western Hill Trade Association, Inc.
Loftin, Erskine R., Association of Alabama Cemeteries.
Long, G. C., Jr., Alabama Hospital Association.
Lumpkin, B. J., Alabama Fire Fighter's Pension Fund Association.

McDaniel, Henry G., City of Lipscomb, Alabama.
McDaniel, P. S., Alabama Women's Political Caucus.
McDonald, Charles, Alabama Retail Association.
McGregor, Tom, Alabama Gas Corporation.
McMillan, Harry M., Alabama Chamber of Commerce.

Mabrey, Jimmie, Steelworkers Legislative Committee.
Marston, Joseph L., Jr., Association of Alabama Cemeteries.

Marston, Rose Smith, Association of Alabama Cemeteries.

Martin, Lonnie E., Alabama Association of Realtors.

Mauk, Albert C., Brotherhood of Maintenance.

Maury, Samuel L., U. S. Steel Corporation.

Menton, Ronald F., Alabama Credit Union League.

Middleton, Ruby B., Dr. C. J. Wilson, D. C.

Miller, John W., Home Builders Association of Alabama.

Mitchell, Wendell W., Alabama Bankers Association.

Mobley, Gilbert, Associated Industries of Alabama.

Moore, L. C., Sears Roebuck & Co.

Moore, William B., Jr., American Insurance Association.

Morgan, Bob, Fraternal Order of Police.

Morgan, Earl C., Citizens of Alabama.

Morris, Billy R., Steelworkers Legislative Committee.

Murphree, R. O., Mayor, Kimberly, Alabama.

Norman, Joe B., Jefferson County Citizens Committee for Local Self Government.

Oden, Morris E., Jefferson County, Alabama.

Oliver, Mrs. William Bacon, Public Interest.

Osborne, Leroy, Sr., Alabama Trucking Association, Osborne Truck Line.

Ozment, David, Alabama Poultry & Egg Association.

Parker, Horace, Jefferson County, Alabama.

Parmer, Donald G., Serenity Gardens, Inc.

Parmer, Raymond R., City of Midfield, Alabama.

Parsons, M. K., Alabama Farm Bureau Federation.

Patterson, John, Alabama Chiropractic Association.

Patterson, L. P., Medical Association of Alabama.

Payne, T. L., (Capt.), Department of Public Safety.

Perry, Joy Ann, City of Tarrant, Alabama, Fraternal Order of Police.

Phelps, James E., Association of Alabama Cemeteries.

Pippin, Earl C., Alabama Consumer Finance Association.

Poe, J. Curtis, Fraternal Order of Police.

Pratt, Jack E., Steelworkers Legislative Committee.

Quinn, Randy, Dr., Alabama Association of School Boards.

- Rasco, Howard W., City of Hoover, Alabama.
- Rawls, W. C., Communication Workers of America—Local 10907.
- Reddick, A. B., Allstate Insurance Co.
- Reynolds, H. Gerald, Jim Walter Corporation, U. S. Pipe & Foundry.
- Reynolds, J. Donald, Alabama Auto Merchandising Association, Alabama Cable Television Association, Alabama Poultry & Egg Association.
- Ritchie, James I., Alabama Trucking Association.
- Roberts, William A., Alabama Department of Labor.
- Robertson, Joseph G., Alabama Society of CPA's.
- Rodgers, Mrs. Joyce B., Alabama Dental Association.
- Rogers, Frank, Jefferson County Sheriff Department, Alabama Peace Officers Association.
- Rogers, Henry T., Alabama Mining Institute.
- Rooke, Ben M. Brotherhood of Locomotive Engineers.
- Rowe, Charles, Jacksonville State University.
- Rozak, Franklin D., Cole National Corporation.
- Ruffer, F. B., Alabama Asphalt Pavement Association.
- Russell, Robert J., Alabama Association of Insurance Agents, Associated General Contractors of America, Central Alabama Branch, John Deere Company, Inc., Alabama Association of Realtors, Inc.
- Scharold, Harry K., Alabama Hospital Association.
- Sellers, Roy, National Association of Retired Federal Employees.
- Sharpless, Oscar H., III, Association of County Commissions of Alabama.
- Shertzer, L. L., Jr., Alabama Road Builders' Association.
- Simpson, Grady G., State Law Enforcement Association.
- Singleton, H. T., Blue Cross-Blue Shield of Alabama.
- Slater, Stanley M., Alabama Gas Corporation.
- Slatton, Don R., Home Builders Association of Alabama.
- Smith, Charles H., Alabama Association Equipment Dealers.
- Smith, Joseph W., Alabama State Chamber of Commerce.
- Smith, Louise G., Alabama Conservancy.
- Smith, Martha Josephine, Self.
- Smith, Martha Witt, State Sovereignty Commission.
- Smith, Walter J. (Sgt.), Department of Public Safety.
- Spitzer, Hugh L., Common Cause.
- Springer, Curtis H., Alabama Dairy Products Association.
- Stansell, Theodore M., Alabama Judicial Conference.

Stewart, Winston, Association of County Commissions of Alabama.
Streetman, Harold E., Automobile Dealers Association of Alabama, Inc.

Stifflemire, Leslie, Alabama Legislative Board—United Transportation Union.

Swann, F. E., Self.

Tate, Clyde N., Central Bank of Birmingham, Central Bancshares of the South.

Tedford, Howard, Concerned Citizens for the Continuation of Responsible Surface Mining.

Thiemonge, Frank L., Jr., Alabama Safety Council, Inc.

Thigpen, Richard, University of Alabama.

Thomason, Philip, National Industries, Inc.

Thompson, O. P., Southern Guaranty Insurance.

Thompson, William A., City of Birmingham, Alabama.

Timmons, Bancroft, Alabama Motorists Association.

Trammell, A. G., Alabama AFL-CIO.

Treadaway, Mrs. Fran, Jefferson County Citizens for Local Self Government.

Tyson, John M., American Collectors Association.

Underwood, Kenneth W., Jr., South Central Bell Telephone Company.

Vaughan, Howard R., Liberty National Life Insurance Company.

Vaughn, Mrs. Peggy G., Bluff Park-Rocky Ridge Merchants Association, Bluff Park Action Committee.

Veal, D. Evan, Tarrant-Jefferson County, Alabama.

Waldrop, Robert G., City of Homewood, Alabama.

Ward, Edward E., Steelworkers Legislative Committee.

Ward, Leon E., State Farm Insurance Company.

Watkins, John F., Alabama League of Municipalities.

Watson, Elias C., Jr., Alabama Circuit Judges Association.

Watson, James R., Alabama Home Furnishing Association.

Webb, James W., American Amicable Insurance Co., Alabama Business Schools Association.

Weems, Lawrence D., Sr., Communication Workers of America.

Weems, Lawrence D., State Air Pollution Control Commission.

West, Maurice C., City of Graysville, Alabama.

White, J. Herbert, Auburn University.

White, James H., III, Self.

Whitesell, Calvin M., Sperry & Hutchinson Co., Association of Alabama Credit Bureaus, Association of Insurance Premium Finance Companies.

Williams, J. Alton, Self.

Williams, J. T., Town of Maytown, Alabama.

Williams, Vicki C., Alabama Credit Union League.

Willis, Henry E., Fraternal Order of Police.

Wilson, E. Ham, Alabama Cattlemen's Association.

Winslett, David E., Jefferson County Comm.

Woodham, W. L., Judges of Probate.

Yeomans, Andy, State Law Enforcement Association.

Additional information on Registered Lobbyist on file in Secretary of the Senate's office.

ROSTER OF THE SENATE OF ALABAMA **REGULAR SESSION 1973**

Jere Beasley, <i>Lieutenant Governor</i>	Clayton
Pierre Pelham, <i>President Pro-Tem</i>	Mobile
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. F. B. Ruffer, <i>Assistant Secretary</i>	Montgomery
First Senatorial District—Lauderdale and Colbert Counties.	
Stewart O'Bannon, Jr.	P. O. Box 147, Florence 35630
Second Senatorial District—Limestone and Morgan Counties.	
Bob Harris	P. O. Box 1727, Decatur 35601
Third Senatorial District—Madison County.	
Gene McLain	P. O. Box 2208, Huntsville 35804
Fourth Senatorial District—Jackson, DeKalb and Cherokee Counties.	
John M. Baker	P. O. Box 186, Rainsville 35986
Fifth Senatorial District—Franklin, Marion, Lawrence and Winston Counties.	
Joe Fine	P. O. Box 818, Russellville 35653
Sixth Senatorial District—Cullman and Walker Counties.	
Robert T. (Bob) Wilson	P. O. Box 1090, Jasper 35501
Seventh Senatorial District—Marshall, Blount and St. Clair Counties.	
Aubrey J. Carr	10 Windsor Dr., Guntersville 35976
Eighth Senatorial District—Etowah County.	
Richard Malone	416 Noccoalula Dr., Gadsden 35901
Ninth Senatorial District—Calhoun County.	
Fred Ray Lybrand	1111 Quintard Ave., Anniston 36201
Tenth Senatorial District—Lamar, Fayette, Pickens, Greene and Hale Counties.	
James A. Branyon, II	P. O. Box 600, Fayette 35555
Eleventh Senatorial District—Tuscaloosa County.	
Richard C. Shelby	406 First Federal Savings Bldg., Tuscaloosa 35401
Twelfth Senatorial District—Jefferson County.	
Place No. 1	
Paschal P. "Pat" Vacca	929-30 Frank Nelson Building, Birmingham 35203
Place No. 2	
Tom King	Murphy & Crisp Building, 9609 Parkway East, Birmingham 35215
Place No. 3	
John H. Hawkins, Jr.	1841 Montclair Dr., Birmingham 35216
Place No. 4	
Richard Dominick	927 Brown Marx Bldg., Birmingham 35203

- Place No. 5
 Geo. Lewis Bailes, Jr. 218 Ten Office Park Circle,
 Birmingham 35223
- Place No. 6
 Eddie Hubert Gilmore P. O. Box 546, Bessemer 35020
- Place No. 7
 Doug Cook P. O. Box 11086, Birmingham 35202
- Thirteenth Senatorial District—Talladega, Clay and Cleburne Counties.
 Robert (Bobby) Weaver P. O. Box 735, Talladega 35160
- Fourteenth Senatorial District—Bibb, Perry and Dallas Counties.
 Walter C. Givhan Safford 36773
- Fifteenth Senatorial District—Shelby, Coosa, Chilton and Autauga
 Counties.
 Obie J. Littleton P. O. Box 1288, Clanton 35045
- Sixteenth Senatorial District—Tallapoosa, Elmore and Macon Counties.
 Robert H. Wilder P. O. Box 38, Dadeville 36853
- Seventeenth Senatorial District—Randolph, Chambers and Lee Counties.
 Don Horne 1110 South 5th St., Lanett 36863
- Eighteenth Senatorial District—Sumter, Marengo, Choctaw and Wash-
 ington Counties.
 W. H. (Pat) Lindsey, III 126 S. Mulberry Ave., Butler 36904
- Nineteenth Senatorial District—Wilcox, Clarke, Monroe and Conecuh
 Counties.
 William D. Melton P. O. Box 188, Evergreen 36401
- Twentieth Senatorial District—Lowndes, Butler, Crenshaw and Coving-
 ton Counties.
 E. C. (Crum) Foshee P. O. Box J, Red Level 36474
- Twenty-first Senatorial District—Montgomery County.
 Place No. 1
 J. J. (Junie) Pierce P. O. Box 485, Montgomery 36104
- Place No. 2
 W. Tom Jones 2193 Woodley Rd., Montgomery 36111
- Twenty-second Senatorial District—Bullock, Pike, Coffee and Geneva
 Counties.
 L. L. Dozier P. O. Box 354, Troy 36081
- Twenty-third Senatorial District—Russell, Barbour and Henry Counties.
 James S. (Jimmy) Clark P. O. Box 71, Eufaula 36027
- Twenty-fourth Senatorial District—Mobile County.
 Place No. 1
 L. W. "Red" Noonan 161 McGregor Ave., Mobile 36608
- Place No. 2
 Pierre Pelham P. O. Box 16601, Bel Air Station, Mobile 36616
- Place No. 3
 Robert S. Edington 50 St. Emanuel St., Mobile 36602
- Twenty-fifth Senatorial District—Baldwin and Escambia Counties.
 L. D. (Dick) Owen, Jr. P. O. Box 45, Bay Minette 36507
- Twenty-sixth Senatorial District—Houston and Dale Counties.
 Larry Register P. O. Box 1845, Dothan 36301

**STANDING COMMITTEES
OF THE
ALABAMA STATE SENATE
1973**

FINANCE AND TAXATION

Wilson, Chairman; Givhan, Vice-Chairman; McLain, Clark, Pelham, Fine, Shelby, Gilmore, Hawkins, Owen, Register, Wilder, Harris, Foshee, Littleton.

RULES

Clark, Chairman; Vacca, Vice-Chairman; O'Bannon, Shelby, Weaver, Pelham, Register.

JUDICIARY

Fine, Chairman; Harris, Vice-Chairman; Pelham, McLain, Wilson, Lybrand, Shelby, Vacca, King, Dominick, Bailes, Weaver, Lindsey, O'Bannon, Edington, Horne, Baker.

CONSTITUTION AND ELECTIONS

Pelham, Chairman; Carr, Vice-Chairman; Hawkins, Register, Owen, Clark, Pierce, Shelby, Wilder, Harris, Wilson, Vacca, Weaver, O'Bannon, Baker.

BUSINESS AND LABOR

Shelby, Chairman; King, Vice-Chairman; Harris, Vacca, O'Bannon, Malone, Givhan, Lindsey, Weaver, Dozier, Pierce.

CONSERVATION

Owen, Chairman; Horne, Vice-Chairman; Littleton, King, Branyon, Lindsey, Clark, Noonan, Melton.

EDUCATION

Horne, Chairman; Shelby, Vice-Chairman; Hawkins, O'Bannon, Edington, Wilder, Foshee, Dozier, Cook, Bailes, Carr, Lybrand, Branyon, Jones, Baker.

HEALTH

Malone, Chairman; Dozier, Vice-Chairman; Fine, Clark, Givhan, Harris, Vacca, Noonan, Hawkins.

BANKING

Wilder, Chairman; Littleton, Vice-Chairman; Pelham, Gilmore, Clark, Givhan, Noonan, Wilson, Lindsey.

INSURANCE

Lybrand, Chairman; Weaver, Vice-Chairman; Melton, Owen, Givhan, Pelham, Shelby, Gilmore, Malone.

AGRICULTURE

Branyon, Chairman; Register, Vice-Chairman; Foshee, Givhan, Jones, Dozier, Carr, Melton, Malone, Harris, Hawkins, Littleton, Owen.

MUNICIPAL GOVERNMENT

McLain, Chairman; Pierce, Vice-Chairman; Edington, Lybrand, Bailes, Cook, Malone, Carr, O'Bannon, Lindsey, Horne.

COUNTY GOVERNMENT

Gilmore, Chairman; Jones, Vice-Chairman; Foshee, Branyon, Weaver, Register, Dozier, Littleton, Noonan, Baker, Melton.

**COMMERCE, TRANSPORTATION AND
COMMON CARRIERS**

Foshee, Chairman; Dozier, Vice-Chairman; Wilder, Fine, Gilmore, Jones, Owen, Carr, Littleton.

SEAPORTS

Noonan, Chairman; O'Bannon, Vice-Chairman; Jones, Horne, Littleton, McLain, Dominick, Register, Melton.

YOUTH AND STUDENT ACTIVITIES

Weaver, Chairman; Lindsey, Vice-Chairman; Dominick, King, Littleton, Horne, Register, Edington, Cook, McLain, Lybrand, O'Bannon, Malone.

MILITARY

Lindsey, Chairman; Bailes, Vice-Chairman; Wilder, Lybrand, Carr, King, Edington, Pierce, Branyon.

PUBLIC BUILDINGS AND GROUNDS

Cook, Chairman; Dominick, Vice-Chairman; Bailes, Edington, Lindsey, Branyon, Jones, Pierce, Dozier.

LOCAL LEGISLATION NO. 1

Harris, Chairman; Baker, Vice-Chairman; Noonan, Pierce, Owen, Clark, Foshee.

LOCAL LEGISLATION NO. 2

Vacca, Chairman; Hawkins, Vice-Chairman; Cook, Dominick, Bailes, Gilmore, King.

INTERGOVERNMENTAL COOPERATION

(Created by Act 882—

1965 Regular Session)

Lieutenant Governor Beasley, Chairman

Senate Members

Noonan, Littleton, Horne, Foshee

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA

REGULAR SESSION 1973

OFFICERS

G. SAGE LYONS, *Speaker*, Mobile

JOE C. McCORQUODALE, JR., *Speaker Pro-Tem*, Jackson

JOHN W. PEMBERTON, *Clerk*, Montgomery

THOMAS J. BRYAN, *Assistant Clerk*, Auburn

RICHARD C. WHITAKER, *Reading Clerk*, Montgomery

MEMBERS OF THE HOUSE

Dist. No.	Counties	Name	Address
1	LAUDERDALE		
	Place No. 1		
	Ronnie G. Flippo	P. O. Box 1221, Florence	35630
	Place No. 2		
	Robert M. (Bob) Hill, Jr.	119 Mobile Street Plaza, Florence	35630
2	LIMESTONE & LAWRENCE		
	Place No. 1		
	Tommy Carter	Rt. 2, Elkmont	35620
	Place No. 2		
	Wayland Cross	Box D, Courtland	35618
3	MADISON		
	Place No. 1		
	Hartwell B. Lutz	Suite 52, The Terrace, Central Bank Bldg., Huntsville	35801
	Place No. 2		
	Charles Grainger	1711 Laverne Dr., N. W., Huntsville	35805
	Place No. 3		
	Bill G. King	P. O. Box 382, Huntsville	35804
	Place No. 4		
	Glenn H. Hearn	Rt. 1, Gurley	35748
	Place No. 5		
	Douglas V. Hale	2105 Clubview Court N. W., Huntsville	35810
4	JACKSON		
	Bill Williams	Rt. 1, Box 63, Hollywood	35752
5	COLBERT & FRANKLIN		
	Place No. 1		
	J. W. (Joe) Goodwin	310 Ford Rd., Muscle Shoals	35660
	Place No. 2		
	Glen A. Reynolds	Rt. 3, Tuscumbia	35674

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 6 **MORGAN**
Place No. 1
David B. Cauthen P. O. Box 1685, Decatur 35601
Place No. 2
Ralph E. Slate 1st Federal Savings Bldg., Decatur 35601
- 7 **MARSHALL & CULLMAN**
Place No. 1
Finis E. St. John, III P. O. Drawer K, Cullman 35055
Place No. 2
Sid McDonald P. O. Box 546, Arab 35016
Place No. 3
Tom Drake P. O. Box 36, Cullman 35055
- 8 **DeKALB & CHEROKEE**
Place No. 1
Leroy R. Porter Box 217, Crossville 35962
Place No. 2
Clarence Chesnut, Jr. P. O. Box 98, Gaylesville 35973
- 9 **MARION & WINSTON**
Rankin Fite P. O. Box 157, Hamilton 35570
- 10 **BLOUNT**
Ralph Reid 1301 Park Ave., Oneonta 35121
- 11 **ETOWAH**
Place No. 1
Gerald Wayne Waldrop 181 Lakeshore Drive, Gadsden 35901
Place No. 2
D. B. "Dave" Carnes 823 Forest Ave., Gadsden 35901
Place No. 3
Retha Deal Wynot 1120 Bellevue Dr., Gadsden 35901
- 12 **LAMAR & FAYETTE**
D. C. Grey P. O. Box 202, Berry 35546
- 13 **WALKER**
Place No. 1
Alvis Naramore 5th Ave. S. 19th St., Jasper 35501
Place No. 2
Robert T. Crowe Rt. 1, Box 157, Townley 35587
- 14 **JEFFERSON**
Place No. 1
J. Paul Meeks, Jr. 3043 Weatherton Dr., Birmingham 35223
Place No. 2
James T. Waggoner, Jr. P. O. Box 10566, Birmingham 35202

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

Place No. 3

Robert L. "Bob" Ellis, Jr. Rt. 1, Box 509, Adamsville 35005

Place No. 4

Ben L. Erdreich Suite 201, 409 North 21st St., Birmingham 35203

Place No. 5

Richard F. Dill 328 Observatory Dr., Birmingham 35206

Place No. 6

Robert D. "Bobby" Timmons P. O. Box 8302, Ensley Station,
Birmingham 35218

Place No. 7

Robert G. Adwell 2127 Pine Lane, Birmingham 35226

Place No. 8

Raymond Weeks 3420 Altamont Rd., Birmingham 35205

Place No. 9

Chriss H. Doss 917 Frank Nelson Bldg., Birmingham 35203

Place No. 10

Robert C. (Bob) Gafford 5345 Division Ave., Birmingham 35212

Place No. 11

Wade Wallace 516 So. 73rd St., Birmingham 35212

Place No. 12

Drake Boutwell 4461 Clairmont Ave., Birmingham 35222

Place No. 13

Francis Falkenburg 3001 Argyle Road, Redmont Park,
Birmingham 35213

Place No. 14

George D. H. McMillan, Jr. .. 1550 1st Nat'l-Southern Natural Bldg.,
Birmingham 35203

Place No. 15

Quinton R. Bowers 1528 Shades Crest Road, Birmingham 35226

Place No. 16

Richard L. McBride 3221 Ave. S, Apt. S, Birmingham 35208

Place No. 17

J. Earl Jones 2022 Dartmouth Ave., Bessemer 35020

Place No. 18

J. C. Hughes 601 N. 18th St., Bessemer 35020

Place No. 19

Chris McNair P. O. Box 1851, Birmingham 35201

Place No. 20

Hugh Boles 1036 Normandale Cir., Hueytown 35020

15 ST. CLAIR

Roy H. (Doc) Coshatt P. O. Box 766, Pell City 35125

16 CALHOUN

Place No. 1

Ray Burgess 501 E. 49th St., Anniston 36201

Place No. 2

Hugh D. Merrill P. O. Box 1498, Anniston 36201

Place No. 3

Donald W. Stewart P. O. Box 2182, Anniston 36201

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

- 17 **PICKENS & GREENE**
William H. Lang P. O. Box 426, Reform 35481
- 18 **TUSCALOOSA**
Place No. 1
John L. Culver Route 3, Box 166, Tuscaloosa 35401
Place No. 2
Edward D. Robertson P. O. Box 331, Northport 35476
Place No. 3
Tim Parker P. O. Box 72, Tuscaloosa 35401
Place No. 4
Bert Bank P. O. Box 2000, Tuscaloosa 35401
- 19 **SHELBY**
Tom Stubbs Rt. 1, Box 14, Helena 35080
- 20 **TALLADEGA**
Place No. 1
Murray P. McCluskey Box 599, Sylacauga 35150
Place No. 2
Philip H. (Phil) Smith P. O. Box 15, Talladega 35160
- 21 **CLAY & COOSA**
Charles (Pete) Mathews Box 355, Ashland 36251
- 22 **CLEBURNE & RANDOLPH**
John S. Casey P. O. Box 266, Heflin 36264
- 23 **HALE & BIBB**
Walter Owens 107 Court Square, West, Centreville 35042
- 24 **CHILTON**
Lewis W. Headley P. O. Box 471, Clanton 35045
- 25 **TALLAPOOSA**
Kirby Smith Rt. 1, Box 572, Dadeville 36853
- 26 **CHAMBERS**
Charles Snell P. O. Box 387, Fairfax 36854
- 27 **SUMTER, MARENGO & PERRY**
Place No. 1
Ira D. Pruitt P. O. Drawer PP, Livingston 35470
Place No. 2
Richard S. Manley Drawer U, Demopolis 36732
- 28 **DALLAS**
Place No. 1
Paul C. Cottingham Rt. 2, Box 276A, Selma 36701
Place No. 2
W. Milam Turner, Jr. 7 Mimosa St., Selma 36701

ROSTER OF THE HOUSE OF REPRESENTATIVES OF ALABAMA—Continued

- 29 **AUTAUGA & LOWNDES**
William D. Edwards Rt. 1, Ft. Deposit 36032
- 30 **ELMORE**
H. H. (Runt) O'Daniel Box 416, Tallassee 36078
- 31 **MACON, BULLOCK & BARBOUR**
Place No. 1
Thomas J. Reed P. O. Drawer EE, Tuskegee Institute 36088
Place No. 2
Fred D. Gray P. O. Box 239, Tuskegee 36083
- 32 **LEE & RUSSELL**
Place No. 1
Bowen Brassell P. O. Box 573, Phenix City 36867
Place No. 2
Pete Turnham P. O. Box 1592, Auburn 36830
Place No. 3
Charles H. Adams P. O. Box 967, Phenix City 36867
- 33 **CHOCTAW, CLARKE & WASHINGTON**
Place No. 1
Grover Lamar Agee P. O. Box 250, Chatom 36518
Place No. 2
Joe C. McCorquodale, Jr. P. O. Box 535, Jackson 36545
- 34 **WILCOX, MONROE & CONECUH**
Place No. 1
Maston Mims Rt. 1, Uriah 36480
Place No. 2
James E. Warren Box 207, Castleberry 36432
- 35 **MONTGOMERY**
Place No. 1
Sam W. Taylor 2429 Woodley Rd., Montgomery 36111
Place No. 2
James D. Harris, Jr. 1110 Union Bank Bldg., Montgomery 36104
Place No. 3
Walker Hobbie, Jr. Rt. 1, Box 384, Montgomery 36105
Place No. 4
Fred R. Jones 132 So. Perry St., Montgomery 36104
Place No. 5
Bishop N. Barron P. O. Box 221, Montgomery 36101
- 36 **BUTLER, CRENSHAW & PIKE**
Place No. 1
L. Gardner Bassett 206 Orange St., Troy 36081
Place No. 2
William E. (Gene) Hardin, Jr. P. O. Box 507, Greenville 36037

**ROSTER OF THE HOUSE OF REPRESENTATIVES
OF ALABAMA—Continued**

37 MOBILE

Place No. 1

James C. (Jim) Wood 1010 Van Antwerp Bldg., Mobile 36602

Place No. 2

Ben Stokes Drawer 889, Mobile 36601

Place No. 3

Mayer W. (Mike) Perloff 257 St. Anthony St., Mobile 36603

Place No. 4

Charles C. Therrell 203 No. Gould Ave., Whistler 36612

Place No. 5

H. L. Callahan P. O. Box 1208, Mobile 36601

Place No. 6

G. Sage Lyons P. O. Box 2727, Mobile 36601

Place No. 7

Bert Nettles P. O. Box 2232, Mobile 36601

Place No. 8

Maurice A. "Casey" Downing P. O. Box 4457, Mobile 36604

Place No. 9

W. M. (Monty) Collins 4514 Kingsway Dr., Mobile 36608

Place No. 10

Bill Roberts 148 Tuscaloosa St., Mobile 36607

38 BALDWIN

Place No. 1

Daniel L. Kinsey P. O. Box 246, Foley 36535

Place No. 2

Thomas H. Benton Rt. 2, Box 185, Foley 36535

39 ESCAMBIA

Philip T. May P. O. Box 326, Brewton 36426

40 COVINGTON & GENEVA

Place No. 1

Frank Jackson Box 408, Opp 36467

Place No. 2

Harold B. Wise Rt. 2, Box 156, Kinston 36453

41 COFFEE

Douglas Easters 573 East Davis St., Elba 36323

42 DALE

Fred Barkett Box 430, Ozark 36360

43 HOUSTON & HENRY

Place No. 1

Buddy Crawford Columbia Road, Abbeville 36310

Place No. 2

B. W. Connell Rt. 5, Box 141, Dothan 36301

**STANDING COMMITTEES
HOUSE OF REPRESENTATIVES
OF ALABAMA 1973**

RULES

Drake, Chairman; Headley, Vice-Chairman; Adams, Boles, Casey, Connell, Culver, Hearn, Jackson, Jones (E), Jones (F), Kinsey, Lyons, Merrill, O'Daniel.

WAYS & MEANS

Mathews, Chairman; McCorquodale, Vice-Chairman; Crawford, Downing, Easters, Fite, Grainger, Hobbie, Pruitt, Robertson, Stubbs, Turner, Turnham, Waggoner, Williams.

JUDICIARY

Merrill, Chairman; Casey, Vice-Chairman; Boutwell, Bowers, Brassell, Carnes, Gray (F), Harris, Hill, Lutz, Manley, Perloff, St. John, Slate, Wood.

STATE ADMINISTRATION

Fite, Chairman; Downing, Vice-Chairman; Bassett, Burgess, Chestnut, Cottingham, Cross, Culver, Dill, Gafford, Goodwin, Headley, Jackson, May, O'Daniel.

BUSINESS AND LABOR

Stubbs, Chairman; Therrell, Vice-Chairman; Adams, Adwell, Carter, Collins, Connell, Falkenburg, Jones (E), Owens, Parker (T), Reed (T), Reynolds, Robertson, Waggoner.

HEALTH

Bank, Chairman; Weeks, Vice-Chairman; Agee, Cauthen, Coshatt, Doss, Easters, Edwards, Falkenburg, Gray (F), Jones (F), King, Nettles, Roberts, Waldrop.

BANKING

Pruitt, Chairman; Williams, Vice-Chairman; Brassell, Burgess, Collins, Crowe, Dill, Gafford, Hale, Hobbie, Reid (R), Slate, Stubbs, Therrell, Wallace.

INSURANCE

Owens, Chairman; Taylor, Vice-Chairman; Burgess, Cottingham, Gafford, Kinsey, McMillan, Meeks, Nettles, O'Daniel, Reid (R), St. John, Therrell, Timmons, Wise.

EDUCATION

Turnham, Chairman; Ellis, Vice-Chairman; Bank, Barron, Boles, Crowe, Erdreich, Goodwin, Hale, McBride, McDonald, Reed (T), Stokes, Wood, Wynot.

AGRICULTURE

Smith (P), Chairman; Wise, Vice-Chairman; Barkett, Benton, Chestnut, Connell, Cross, Culver, Doss, Drake, Hobbie, Lang, Mims, Porter, Wallace.

CONSERVATION

Hardin, Chairman; Benton, Vice-Chairman; Agee, Barkett, Carter, Edwards, Erdreich, Grainger, Naramore, Perloff, Roberts, Smith (K), Timmons, Warren, Wise.

PUBLIC WELFARE

Burgess, Chairman; Carter, Vice-Chairman; Chesnut, Coshatt, Grey (D), Hardin, Hearn, Lang, McMillan, McNair, Naramore, Reed (T), Reid (R), Reynolds, Warren.

CONSTITUTION AND ELECTIONS

McCorquodale, Chairman; Slate, Vice-Chairman; Adams, Carnes, Downing, Ellis, Flippo, Grey (D), Manley, Owens, Smith (K), Snell, Stewart, Taylor, Weeks.

COMMERCE AND TRANSPORTATION

McDonald, Chairman; McCluskey, Vice-Chairman; Adwell, Callahan, Cross, Flippo, Harris, May, Meeks, O'Daniel, Parker (T), Snell, Stokes, Turner, Wallace.

LOCAL GOVERNMENT

Crawford, Chairman; Smith (K), Vice-Chairman; Barkett, Barron, Cauthen, Gray (F), Hughes, King, McBride, McCluskey, Mims, Perloff, Stewart, Stokes, Wynot.

MILITARY AFFAIRS

Bowers, Chairman; Cottingham, Vice-Chairman; Bank, Grey (D), Headley, Hill, Hughes, Jones (F), Lutz, Meeks, Porter, Turnham, Waldrop, Weeks, Wood.

HIGHWAY SAFETY

Naramore, Chairman; Callahan, Vice-Chairman; Boutwell, Brassell, Collins, Goodwin, Hardin, Hill, Kinsey, McNair, McCorquodale, Manley, St. John, Snell, Snell.

LOCAL LEGISLATION NO. 1

Bassett, Chairman; Lang, Vice-Chairman; Agee, Benton, Cauthen, Cross, Edwards, Manley, Mathews, Robertson, Snell, Stewart, Waldrop, Warren, Williams.

LOCAL LEGISLATION NO. 2

Doss, Chairman; Waggoner, Vice-Chairman; Adwell, Boles, Boutwell, Bowers, Dill, Ellis, Erdreich, Falkenburg, Gafford, Hughes, Jones (E), McBride, McMillan, McNair, Meeks, Timmons, Wallace, Weeks.

LOCAL LEGISLATION NO. 3

Collins, Chairman; Downing, Vice-Chairman; Callahan, Lyons, Nettles, Perloff, Roberts, Stokes, Therrell, Wood.

LOCAL LEGISLATION NO. 4

(Madison/Montgomery)

Grainger, Chairman; Jones (F), Vice-Chairman; Hale, Hearn, King, Lutz, Harris, Hobbie, Barron, Taylor.

**COMMITTEE ON
INTERGOVERNMENTAL COOPERATION**

Lyons, Chairman: Turner, Adams, Adwell, Naramore.

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